

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA            ) CAUSE NO. 3:04-CR-240-P  
  (  
vs.                                        )  
  ( OCTOBER 21, 2008  
  ) DALLAS, TEXAS  
HOLY LAND FOUNDATION, ET AL    ( 9:00 A.M.

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VOLUME 22 OF 37

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STATEMENT OF FACTS

BEFORE THE HONORABLE JORGE A. SOLIS  
UNITED STATES DISTRICT JUDGE  
and a jury

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1 THE COURT: Good morning.

2 All right. Starting with the objections to Agent Burns'  
3 second round of testimony, I have looked at the ones where you  
4 had specific objections, and then through some of the others,  
5 and I am going to overrule the objections.

6 I think you have withdrawn No. 9 at this time?

7 MR. JONAS: Yes, sir.

8 THE COURT: Ashqar Search No. 9 and No. 7, you are  
9 going to limit it to the parts already admitted?

10 MR. JONAS: If I even use it with Agent Burns.

11 THE COURT: And with respect to InfoCom No. 68 and  
12 those three -- That would be HLF InfoCom No. 68 and then HLF  
13 86, 183 and 184, I am overruling those objections as well.  
14 Those are HLF records and they were found there and they made  
15 them. I think the Government is entitled to use them as they  
16 are. So I will overrule those objections.

17 Any other issues on those, Ms. Duncan?

18 MS. DUNCAN: Your Honor, I understand your ruling on  
19 InfoCom Search No. 68. Can I clarify the record a little bit  
20 about that videotape?

21 THE COURT: Sure.

22 MS. DUNCAN: The very beginning of the videotape,  
23 and I don't know if Your Honor has seen it.

24 THE COURT: I have not seen the tape. I didn't have  
25 access to that. I was going on the basis of what --

1 MS. DUNCAN: I actually snipped it up so you can  
2 see what it looks like, but the very beginning of the tape are  
3 the video footage of different demonstrations. I am not sure  
4 that they are all in Palestine. I am not sure that they are  
5 even the same. So what you will see are different protesters  
6 and a scene of people walking on the American flag and people  
7 burning the American flag, and a blank spot where that clip  
8 ends, and then another clip will start.

9 And in the middle there appears to be maybe an election  
10 or people are signing little pieces of paper, and there is a  
11 box that looks like they are putting it in which looks to be  
12 completely unrelated to those other videos.

13 So then that sort of starts and stop of different  
14 protests, and then the voting starts, and then it starts this  
15 recording of the opening of a library that was funded by the  
16 Holy Land Foundation.

17 So this is not a video that was made by the Holy Land  
18 Foundation. This is a video that was made by someone in  
19 Palestine who was copying onto a tape a video of the opening  
20 of the library. So the two segments, the protesting and it  
21 looks like election to me, or people signing something, and  
22 the opening of the library, those are very separate things.  
23 And the only part of it that pertains to the Holy Land  
24 Foundation is the opening of the library.

25 And so with the two tapes -- I looked at the two tapes

1 and they are identical, but I think it is -- There is a note  
2 attached to one of the videos that says, "Please make me two  
3 copies of the opening of the library." I can't remember the  
4 exact wording but, "the stuff at the beginning, I don't want  
5 it," or "The protests at the beginning, I don't want it."

6 So I think it is clear that the video itself was kept in  
7 the Holy Land offices because it showed the opening of a major  
8 public library. We have heard testimony about it. That was  
9 funded by the Holy Land Foundation. And when you watch the  
10 actual video itself with the stopping and the starting, it is  
11 clear that someone just recorded that opening on a tape that  
12 had other stuff on it, but the two are completely different.  
13 And it wasn't -- there is no evidence that a Holy Land person  
14 made the tape.

15 THE COURT: Okay. All right. Mr. Jonas, do you  
16 want to address that?

17 MR. JONAS: Factually she is accurate, except for  
18 one thing. I think the very first demonstration they show the  
19 burning of an American flag and Israeli flag chanting of death  
20 to America is a Hamas rally. I think Agent Burns can testify  
21 to that based upon the head gear worn by the participants in  
22 this rally. So I think there is a nexus in this case.

23 We don't know who made the tape. It was found within the  
24 HLF records at InfoCom, and there is that note on there one of  
25 the copies. But the fact that they had this tape, and whoever

1 is making it for them, if they themselves are not making it  
2 themselves, and we don't know, goes to show the type of  
3 material they are collecting, the type of people they are  
4 dealing with. It is all part of the conspiracy, their intent  
5 and knowledge. So we do think it is relevant.

6 THE COURT: I had understood, of course, your  
7 argument from your written motions and their response, so that  
8 was the reason for my ruling. It still is an HLF record, and  
9 I think they are entitled to show it as is.

10 MS. CADEDDU: Your Honor, I would register an  
11 objection to Agent Burns opining that it is an Hamas rally. I  
12 don't think she is an expert. She said she can't identify  
13 anything on these videotapes. She couldn't even identify the  
14 stone-throwing was the Intifada. So I think that would be  
15 improper.

16 THE COURT: That will be overruled. She may give  
17 her opinion based on her experience and understanding.

18 MR. DRATEL: Just to be clear, I would register a  
19 403 objection on that.

20 THE COURT: I understand 403 is really over all of  
21 these exhibits. That is there. And certainly I understood it  
22 with respect to these, and then the applications that had the  
23 references to the saying. But, again, as I said, these are  
24 HLF records. They are in their office. They are maintaining  
25 them there, so I think the Government gets to show them. I

1 don't think you can come back in and clean them up for the  
2 jury. I think these come in as they are. They are entitled  
3 to do that.

4 MR. DRATEL: I think the Court has kept out some  
5 other types of stuff like that, and I think this gets us into  
6 the danger area.

7 THE COURT: As I stated, because these are HLF  
8 records, rather than something that someone else was doing.  
9 These are their records. I think the Government is entitled  
10 to show them as they are. And that is the distinction that I  
11 made in my mind in terms of the difference in rulings that I  
12 made.

13 MS. DUNCAN: And Your Honor, we would like to burn  
14 the full video into a DVD and make it into a court exhibit  
15 just to preserve our record on this issue.

16 THE COURT: Sure. Remind me to do that and we will  
17 make that part of the record.

18 Any other issues with regard to these exhibits or  
19 anything else with Agent Burns that we need to address?

20 MR. DRATEL: Not with Agent Burns.

21 THE COURT: We are moving on to other things. We  
22 have a few minutes.

23 MR. DRATEL: With respect to Mr. Shorbagi's  
24 testimony, I would move, with respect to Mr. El-Mezain, to  
25 strike it, and for an instruction to that effect on collateral



1       estoppel and double jeopardy grounds.

2               THE COURT:   That is overruled.

3               Anything else that we need to address?

4               MR. JONAS:   Very briefly.   There is one  
5       demonstrative exhibit I am going to show through Agent Burns  
6       that is being created.   I informed the Defense about that, and  
7       I believe I described what it is supposed to be.

8               THE COURT:   Do you have it with you?

9               MR. JONAS:   I don't.   It is still being worked on.  
10       I don't think I will get to it until the end of her testimony.

11              THE COURT:   What is it?

12              MR. JONAS:   There is two exhibits that we are  
13       admitting.   One is a list of victims of the Ibrahimi massacre  
14       at the mosque there by Baruch Goldstein that has been  
15       testified about.   HLF supported some of those victims.

16              And then there is a U.N. document that lists out -- I  
17       don't know if it is called an official list, but it is a list  
18       of the victims as well as other people who have died in  
19       Palestine and the West Bank and Gaza, I am not sure exactly  
20       where, and we want to put both those lists on a poster board.

21              THE COURT:   So one list will be the list --

22              MR. JONAS:   Of people that the HLF supported that  
23       died in the massacre.

24              THE COURT:   In that one particular massacre, or  
25       multiple?

1 MR. JONAS: Per their records.

2 THE COURT: Per whose records.

3 MR. JONAS: HLF records, people died in that  
4 massacre --

5 THE COURT: That they are supporting?

6 MR. JONAS: Correct. And then there is a U.N list  
7 of people who died with many of the same people, and we want  
8 to have those two side by side.

9 THE COURT: Okay.

10 MS. HOLLANDER: Your Honor, I may have missed this  
11 but I am not sure how the U.N. list comes in, what foundation  
12 is for that.

13 THE COURT: Do you want to address that?

14 MR. JONAS: First of all, there is a certification  
15 from the U.N. that that is an authentic --

16 THE COURT: That accompanies the list you have?

17 MR. JONAS: Yes, the actual exhibit. And in terms  
18 of -- If there is a hearsay objection, there is case law out  
19 there that talks about U.N. documents being public records. I  
20 can pull up the cases if the Court wants. There is one case  
21 in particular that is a reverse. There is a U.N. document  
22 that says, "We have got nothing," and there is that hearsay  
23 exception that says lack of public record. So because this  
24 document has something, we are saying it is the converse of  
25 that.

1 THE COURT: Ms. Hollander, anything else on that,  
2 then?

3 MS. HOLLANDER: Can I have just a minute, since we  
4 have a few minutes?

5 THE COURT: Yes. We have a few minutes.

6 Why don't we be in recess until we get -- the juror shows  
7 up. We will be in back.

8 (Brief Recess.)

9 THE COURT: Ladies and gentlemen of the jury, good  
10 morning. We are ready to proceed.

11 Mr. Jonas?

12 And Agent Burns, you are still under the oath you took  
13 when you first got here.

14 THE WITNESS: Yes, Your Honor.

15 LARA BURNS,

16 Testified on direct examination by Mr. Jonas as follows:

17 Q. Good morning, Agent Burns.

18 A. Good morning.

19 Q. Welcome back.

20 A. Thanks.

21 Q. When we ended your last testimony a few weeks ago you had  
22 testified about payment schedules to certain zakat and  
23 charitable committees in the West Bank and Gaza. Do you  
24 recall that?

25 A. I do.

1 Q. Okay. Did you review the body of material that you  
2 accumulated through the investigation--bank accounts, search  
3 warrant material, et cetera--to see if there were other  
4 connections between the Holy Land Foundation and these zakat  
5 committees separate and apart from the financial connections  
6 that you testified about?

7 A. I did.

8 Q. And approximately how much material did you cull from  
9 your body of material that goes to the connections between the  
10 HLF and zakat committees?

11 A. A large number of documents, videotapes, wiretaps.

12 Q. Have you created a summary schedule per committee that  
13 summarizes all this material and this connection between the  
14 HLF and some of these committees?

15 A. Yes.

16 Q. Did you create one schedule per committee?

17 A. I did.

18 Q. Would those schedules assist the jury in understanding  
19 your testimony?

20 A. They will.

21 Q. Do you have before you binders of the schedules as well  
22 as other material?

23 A. I have the underlying materials, not the schedules.

24 Q. Okay.

25 MR. JONAS: Your Honor, if I may approach the

1 witness?

2 THE COURT: Yes.

3 Q. (BY MR. JONAS) What is the first schedule -- Withdrawn.

4 Do you have the Islamic Center of Gaza schedule?

5 A. I do.

6 Q. What is that based upon?

7 A. Search warrant material, financial records, videotapes,  
8 wiretaps, things like that.

9 Q. Is some of the underlying documentation already in  
10 evidence?

11 A. It is.

12 Q. And is some not?

13 A. That is correct.

14 MR. JONAS: Your Honor, at this time I offer into  
15 evidence the schedule known as Islamic Center of Gaza Summary.

16 THE COURT: The previous objections?

17 MS. MORENO: Yes, Your Honor.

18 THE COURT: All right. Those are admitted.

19 MR. JONAS: Before we put on this particular  
20 schedule on the screen, just to remind all of us of the  
21 financial schedules, if we can put the schedule of payments to  
22 the Islamic Center of Gaza on the screen, please.

23 Q. (BY MR. JONAS) And Agent Burns, I understand the titles  
24 of these two schedules are very similar. One is called  
25 payments to and one is just called the name of the committee.

1 Correct?

2 A. That is correct.

3 Q. Okay. Agent Burns, can you just remind us how this  
4 schedule is set up?

5 A. Yes. This is again the financial schedule which shows  
6 the payments from the Holy Land Foundation to the Islamic  
7 Center of Gaza. And I believe this is the wrong financial  
8 schedule on the screen for what we are looking at.

9 MR. JONAS: It will just take a moment, Your Honor.

10 If I can have the elmo.

11 Q. (BY MR. JONAS) Okay. Agent Burns, is that the right  
12 schedule?

13 A. It is.

14 Q. And can you walk us through this chart real quick?

15 A. Yes. Again, this schedule reflects the payments from the  
16 Holy Land Foundation to the Islamic Center of Gaza. It is  
17 prepared in chronological order with the date in the first  
18 column, the source of the payment, which in this case on this  
19 schedule is the Holy Land Foundation every time, the  
20 authorization column indicating if there were a wire transfer  
21 or a check, and if a specific individual were involved with  
22 that particular transaction their name will be included in  
23 that authorization column. The next column, if we can scoot  
24 it over --

25 Q. I understand we may be able to put it on the computer.

1 A. Okay.

2 MR. JONAS: There we go. Enlarge the top half,  
3 please.

4 THE WITNESS: The next column is the amount, which  
5 will be the amount of the check or the wire transfer. The  
6 following column is the destination. And on this particular  
7 schedule that recipient is always going to be the Islamic  
8 Center of Gaza, also known as the Islamic Complex. And the  
9 final column, again, is the exhibit number and page number so  
10 that if you want to go and look at the actual item that proves  
11 what this states, you can go to that exhibit number and that  
12 page number and find that item.

13 Q. (BY MR. JONAS) What is the first payment made to the  
14 Islamic Center of Gaza?

15 A. April 26, 1989.

16 Q. Okay.

17 MR. JONAS: If we can turn to the last page, page 3.

18 Q. (BY MR. JONAS) What is the last payment?

19 A. July 28th, 1994.

20 Q. And how much in total was the Islamic Center of Gaza paid  
21 by the HLF?

22 A. \$733,245 plus \$5600 Israeli shekels.

23 MR. JONAS: Let's look behind one of these  
24 transactions. If we can go back to the first page and enlarge  
25 the bottom half, please.

1 Q. (BY MR. JONAS) Agent Burns, do you see the transaction  
2 that is one on the very bottom, October 2nd, 1989?

3 A. I do.

4 Q. Who authorized that transaction?

5 A. It says Abu Ibrahim, who is the Defendant Mohammad  
6 El-Mezain, and brother Shukri who is the Defendant Shukri Abu  
7 Baker.

8 Q. How much is that for?

9 A. \$100,000 plus the wire transfer fees.

10 MR. JONAS: If we can pull up NAIT, page 106.

11 Q. (BY MR. JONAS) Is that the document that supports this  
12 transaction?

13 A. It is.

14 Q. Do you see the transaction on this page?

15 A. I do.

16 Q. Just explain how this supports the transaction, this  
17 document.

18 A. This is the request from the North American Islamic  
19 Trust, which is the entity through which the HLF held its  
20 first bank account, and it is a request for \$100,000. You can  
21 see amount to be transferred. The name of the payee is the  
22 Islamic Center of Gaza with the account number, the bank  
23 information, and then at the bottom it says "withdrawal  
24 requested by brother Abu Ibrahim/brother Shukri."

25 Q. Can you remind us why this is through NAIT, the North



1 American Islamic Trust?

2 A. Yes. In the beginning the HLF had an account under the  
3 Islamic Society of North America, also known as ISNA, that was  
4 held through NAIT, which is the North American Islamic Trust.  
5 They were like an Islamic bank.

6 Q. Okay.

7 MR. JONAS: Now, if we can go to the summary  
8 schedule, the Islamic Center of Gaza summary schedule.

9 Q. (BY MR. JONAS) Now, Agent Burns, can you explain to us  
10 the top line, the title, and the line below that.

11 A. Okay. On these summary charts, you will see they are  
12 three pages in length. Everything in this chart is going to  
13 relate to the Islamic Center of Gaza. So that is the title of  
14 the summary chart.

15 Underneath that are a number of names of individuals.  
16 Those individuals are individuals who were leaders within that  
17 with whom the HLF had some type of connection.

18 Do you want me to continue the exhibit columns?

19 Q. No. How is it that you connected these people to  
20 the -- Is that the exhibit column?

21 A. Yes.

22 Q. Okay. But before we do that, what is the last column on  
23 the far right?

24 A. The last column is the general committee column. And it  
25 will become a little bit more clear as we explain this chart,

1 but basically the purpose of this chart is to show you what  
2 types of evidence relate -- that we have that you will see  
3 that relate to this organization. And if a particular piece  
4 of evidence relates to one of these individuals there is an X  
5 in the column.

6 And we had to make a general committee column because  
7 some of the evidence relates specifically to the committee as  
8 opposed to one of the individual leaders.

9 Q. Do you know if there are more people that are involved in  
10 this organization? And let me back up for a second. Withdraw  
11 that question. The questions I want to ask you now are  
12 just -- Let me withdraw that question. Are all the charts set  
13 up the same way?

14 A. Yes, they are.

15 Q. Okay. The people that are listed on the charts, and I am  
16 using this one as an example for a moment before we get into  
17 the substance of the chart.

18 A. Okay.

19 Q. Are these all the people associated with a particular  
20 committee?

21 A. No.

22 Q. Then why are these particular people here?

23 A. These individuals were key leaders within the  
24 organization over a period of time, and these individuals were  
25 also identified in evidence relating to the HLF showing that

1       they had knowledge of these individuals or connection to these  
2       individuals who were leaders.

3               MR. DRATEL:   May we approach, Your Honor?

4               THE COURT:   Yes.

5               (The following was had outside the hearing of the  
6               jury.)

7               MR. DRATEL:   Two fundamental objections with respect  
8       to this kind of testimony.  One is that this all sounds like  
9       hearsay without foundation.  It is all going to be hearsay.  
10      The second is this is really a summation.

11              MS. CADEDDU:   There is a lot of Fifth Circuit case  
12      law, and I can get the Court the cites, about the impropriety  
13      of --

14              THE COURT:   I have pulled up those cases because I  
15      knew this was coming, so I am prepared.  It is proper to a  
16      certain extent.  It is proper.  You can cross the line, but I  
17      don't think they have gotten there.

18              It isn't hearsay because she is explaining the chart and  
19      then the exhibits and then how these connections are made, so  
20      I haven't heard any hearsay yet.

21              MR. DRATEL:   When she says they are all top leaders,  
22      that has all got to be hearsay.  She has no personal --

23              THE COURT:   Well, you can ask her about that.  I am  
24      not sure what --

25              MS. CADEDDU:   My concern is also, Your Honor, that

1 the other summary exhibits list which particular documents  
2 support them. These are general categories. We have no idea  
3 which video, we have no idea which -- I mean, these are lists  
4 with no supporting documents.

5 THE COURT: She said they are documents that are in  
6 evidence.

7 MR. JONAS: If you turn to the next schedule and  
8 then the third page.

9 THE COURT: The specific exhibits, yes, and the  
10 page.

11 MS. CADEDDU: All right.

12 MR. DRATEL: One of the problems with hearsay is you  
13 can't cross examine it. So giving us the opportunity to go  
14 into it is not a solution for us.

15 THE COURT: Well, I don't think it is hearsay. I  
16 think that is where we disagree. I haven't heard what I think  
17 is improper hearsay.

18 MS. HOLLANDER: My concern is when she says these  
19 are key people, these are leaders, I mean, the problem is that  
20 is all hearsay because she just knows, you know, what she  
21 knows, but that is all information that I think if you asked  
22 her she would say she got from the experts.

23 THE COURT: Or from her investigation, the  
24 documents, just the things -- there is lot of sources of  
25 information I think she does know. That is why she is saying

1     that and that is why I think you can cross examine her and you  
2     can ask her specifically where it came from.

3             MS. CADEDDU: It is that kind of testimony that the  
4     Fifth Circuit has disapproved that when it goes from  
5     summarizing to actually rendering an opinion on what the  
6     meaning of that is.

7             THE COURT: She can render some opinions, a summary  
8     witness can, and this kind of witness can render some  
9     opinions. And as long as it is being based on her  
10    investigation, the documents in evidence, I think she can do  
11    that, because it is a voluminous case. And I don't think this  
12    is improper. I haven't heard it yet.

13            Certainly you can object as we get further down the road,  
14    but so far I think he has asked proper questions.

15            MR. JONAS: While we are here --

16            MR. MYSLIWIEC: Where do you think the line is, Your  
17    Honor?

18            THE COURT: Well, you start getting into where you  
19    start summarizing what other witnesses said, and then if you  
20    start getting beyond the investigation where I guess it can  
21    get a little murky as to exactly what it is. So far she has  
22    testified to the documents are in evidence. I guess the big  
23    problem we are having here is this opinion conclusion she  
24    stated that these are key leaders.

25            MR. DRATEL: Your Honor, this is something that I

1 think Agent Miranda -- In my cross examination of Agent  
2 Miranda, which is something that -- it is hard to parse out,  
3 which is I asked him a question, and he said, "Well, that was  
4 based on interviewing someone." So this raises underlying  
5 Crawford issues as well when you talk about how you know this  
6 stuff. She knows it from interviews and stuff --

7 THE COURT: That is different because she can still  
8 render an opinion. Even if the underlying bases for the  
9 opinion is not admissible, you can still render an opinion.

10 MR. DRATEL: As an expert, not as a summary, not a  
11 lay witness.

12 THE COURT: That is a good point.

13 MS. MORENO: That is what she is being presented as,  
14 Your Honor. That is the problem we have.

15 THE COURT: I still think she is relying on  
16 documents, she said. There may be some underlying -- I mean,  
17 you were asking him what he was relying on, but you were  
18 trying to actually say he was relying on something, and it  
19 wasn't it was more than that. I thought that is why you were  
20 stuck with the answer because you were trying to make it look  
21 like this is what he was relying on.

22 MR. DRATEL: I understand that. What I am saying is  
23 this testimony is the same problem, we just don't hear it.  
24 Because when she says --

25 THE COURT: This is a lot more than just interviews.

1 Just what she stated so far and what we have heard so far, I  
2 know it is a lot more than interviews. She is talking about  
3 all these documents, so I just don't see the problem yet.

4 MR. DRATEL: Just so long as we have our objection.

5 THE COURT: You have it.

6 MR. JONAS: Just for housekeeping, I need to move in  
7 some -- some are in. I need to move in the rest. I will do  
8 it at some point.

9 THE COURT: In fact, even all these others we took  
10 up this morning, rather than offering, they are in. They are  
11 admitted. The objections we took up this morning, they are in  
12 evidence. I already looked at the exhibits. That has been  
13 admitted into evidence. And that way you don't have to go  
14 through all that. It is going to be the same objections, so  
15 no point in going through that.

16 MS. HOLLANDER: So we have a continuing objection?

17 THE COURT: You have your objections to those on the  
18 record.

19 (The following was had in the presence and hearing  
20 of the jury.)

21 Q. (BY MR. JONAS) Agent Burns, you said a moment ago that  
22 these are top Hamas leaders. I want to -- with regard to the  
23 individuals on the chart Islamic Center of Gaza. Okay?

24 A. Okay.

25 Q. You said these are top Hamas leaders, key leaders?

1     A.    I am sorry.  I thought I said key leaders within the  
2     committee, the organization.

3     Q.    Are you getting that from the records themselves that  
4     support the schedule?

5     A.    Yes.

6     Q.    I think I had asked you before the objection if there is  
7     other individuals who were maybe associated with the  
8     committee, not just this committee, the Islamic Center of  
9     Gaza, but the other committees we are going to talk about, who  
10    are not on your schedules?

11    A.    Yes.

12    Q.    Why is it, then, there are particular individuals -- and  
13    I may have asked you this, and I apologize if I did, but I  
14    want to make sure I am clear on it.  Why are there particular  
15    individuals on the schedules?

16    A.    These individuals are on the schedules because these are  
17    the individuals that most predominantly appear in the evidence  
18    that we have reviewed, all of the evidence we have talked  
19    about throughout the trial.

20    Q.    So if there are other people that may be associated with  
21    the committees that are not on the schedule, is that because  
22    they are not mentioned in any of the evidence that you  
23    reviewed during the course of the investigation and which are  
24    in evidence in this case?

25    A.    No.  There are some that are mentioned maybe in one



1 document in a list of seven or eight people, but there is no  
2 other information relating to that individual, or they are  
3 just not key to the organization; whereas the other  
4 individuals are referenced in multiple times or in multiple  
5 pieces of information.

6 Q. All right.

7 MR. JONAS: Let's go -- If we can enlarge are the  
8 left hand column, please, that says exhibits.

9 Q. (BY MR. JONAS) And if you can walk us through what these  
10 are. Let's take them one at a time. It says videotapes.  
11 What do you mean by videotapes?

12 A. Okay. Videotapes would be any of the videotapes that  
13 were seized in any of the search warrants that we have talked  
14 about, the HLF search warrant, the InfoCom search warrant, the  
15 Elbarasse search warrant, things like that.

16 Q. Generally speaking, what is it about videotapes that  
17 relate to committees?

18 A. Often you will have individuals who actually appear on  
19 these videotapes speaking, or you may have an individual who  
20 is referenced in the videotape by someone else. So generally  
21 for the purpose of these charts when videotapes are  
22 referenced, either the individual is going to appear on the  
23 videotape or someone is going to be speaking about that  
24 individual on the tape.

25 Q. And when you say the individual, again you mean someone

1     who is listed on the schedule?

2     A.     Exactly.  For example, under this column Ahmed Yassin has  
3     an X by the videotape.  There are videotapes in which he is  
4     referenced.  People speak about him in these videotapes.

5     Q.     Okay.  The next line underneath "videotape" says "general  
6     HLF/InfoCom."  What does that mean?

7     A.     This is a column, or a row rather, I guess, that refers  
8     to general documentation seized in the HLF and InfoCom search  
9     warrants.  It could be correspondence like thank you letters,  
10    it could be signed receipts, various documents like that;  
11    documentary evidence.

12    Q.     Okay.  When you say correspondence, can you give us an  
13    example of between who to who?

14    A.     Yes.  For example, you might have a letter from the Holy  
15    Land Foundation to the committee or to the individual at that  
16    committee, or vice versa.

17    Q.     The next item says "1991 Shukri report."  What is that?

18    A.     I believe --

19    Q.     I skipped one.  It says "InfoCom list."  I apologize.

20    A.     Seized from InfoCom was a list of a number of committees,  
21    zakat committees and Islamic societies in the West Bank and  
22    Gaza.  It was like a pamphlet that contained the names of the  
23    committees, individual members who are part of that committee,  
24    bank account information, phone numbers.  That is what the  
25    InfoCom list is.

1 Q. Is that a list that you testified about in your earlier  
2 testimony, if you recall?

3 A. I believe we did reference that in one specific section.

4 Q. So the first two categories, videotape and again HLF,  
5 that was a variety of items?

6 A. Correct.

7 Q. This is one specific document?

8 A. One document.

9 MR. JONAS: If we can pull up InfoCom Search No. 28,  
10 please.

11 Q. (BY MR. JONAS) Is this the document? I know this is the  
12 Arabic part, but I just want to identify it.

13 A. It is.

14 Q. Are we going to go back to this document in the course of  
15 your testimony?

16 A. Yes, we are.

17 MR. JONAS: Get back to the schedule, please.

18 Q. (BY MR. JONAS) Agent Burns, the next item is the 1991  
19 Shukri report. What is that and what is the significance of  
20 it?

21 A. This is, again, just one document, and this is the letter  
22 or the report from 1991 written by Shukri Abu Baker, that we  
23 discussed in my first testimony briefly, about his trip to the  
24 territories in 1991.

25 Q. And how does that document relate to these charts?

1 A. Therein he references a number of the committees that we  
2 are going to be talking about today.

3 MR. JONAS: If we can pull up InfoCom Search No. 51,  
4 just to remind us what this document looks like.

5 Q. (BY MR. JONAS) Is this the document? I know it is in  
6 Arabic.

7 A. It is.

8 Q. Is this the document you are referring to?

9 A. It is.

10 Q. Does this document, many of the items in this column  
11 refer to multiple committees or individuals on multiple  
12 committees?

13 A. Yes. These documents, like the InfoCom list and this  
14 report, you are going to see on basically every chart for  
15 every committee.

16 MR. JONAS: If we can go back to the chart, please.

17 Q. (BY MR. JONAS) After the letter to Shukri, there is  
18 Philadelphia meeting. What is that?

19 A. We skipped bank records and letters.

20 Q. I skipped a few things. Bank records. What are the bank  
21 records?

22 A. Those are just the domestic and foreign bank records of  
23 the HLF. Also you will see references to some foreign bank  
24 accounts for the actual committees that we are going to be  
25 talking about, in addition American Express records of the

1 HLF.

2 Q. What is it about the foreign bank accounts, the accounts  
3 of these committees, that are significant to these charts?

4 A. What is significant to these charts are the individuals  
5 who were in control of those bank accounts. The individuals,  
6 for example, on those -- You know, I don't think we have bank  
7 records on this chart, but the individuals who were on the  
8 bank accounts as the signatories as the people who had control  
9 over the money.

10 Q. Is that one way of helping you identify who was part of  
11 the committee?

12 A. Yes.

13 Q. And with regard to these particular bank accounts that  
14 are on these charts, was there a connection between them and  
15 the HLF?

16 MS. HOLLANDER: Objection to leading, Your Honor.

17 MR. JONAS: I will rephrase.

18 THE COURT: All right.

19 Q. (BY MR. JONAS) What, if any, connection is there between  
20 these bank accounts and the HLF?

21 A. The HLF sent money to these bank accounts.

22 Q. Next is "letter to Shukri." What is that?

23 A. This is a document that was seized in the Elbarasse  
24 search warrant, and it is a letter that is addressed to  
25 Shukri.

1 Q. Okay.

2 MR. JONAS: If we can pull up Elbarasse Search  
3 No. 22.

4 Q. (BY MR. JONAS) Was this a document that you testified  
5 about in your first testimony?

6 A. I don't recall if we discussed this one on our first  
7 testimony or not.

8 Q. Okay.

9 MR. JONAS: If we can scroll through, please.

10 Q. (BY MR. JONAS) Does it look familiar?

11 A. Oh, it does look familiar.

12 Q. Did you testify about this previously?

13 A. Yes, in one respect we did.

14 Q. Okay. We are going to cover it throughout the testimony?

15 A. In more detail.

16 Q. All right.

17 MR. JONAS: Go back to the schedule, please.

18 Q. (BY MR. JONAS) Now, I believe it says we are up to the  
19 Philadelphia meeting.

20 A. It does.

21 Q. What is that about?

22 A. In that Philadelphia meeting that we discussed from  
23 October of 1993, that meeting that the FBI wiretapped, during  
24 that meeting there were discussions about some of these  
25 committees, and if these committees or individuals were

1 discussed at that meeting, you will see an X in the  
2 appropriate column on the chart.

3 Q. Next it says "MEZ deportee." What does that mean?

4 A. That is short for Marj al-Zuhour, which is in Lebanon,  
5 and in 1992, in December of 1992 the Government of Israel  
6 deported over 400 individuals from the territories to Marj  
7 al-Zuhour, Lebanon. A majority of these individuals were  
8 known to be Hamas members. There were also some Palestinian  
9 Islamic Jihad members, as well as some other people. But a  
10 majority of them were known to be Hamas members.

11 Q. What is the significance about that deportation in these  
12 charts?

13 A. The HLF directly supported the deportees and their  
14 families, and also supported some of these individuals in  
15 other ways, but more specifically a number of these  
16 individuals who were deported were leaders in these committees  
17 that we are going to discuss.

18 Q. Okay. Did you find any videotapes seized from the HLF or  
19 InfoCom of the deportation?

20 A. Yes.

21 Q. InfoCom Search No. 27, does that sound like one of those  
22 videotapes?

23 A. It does.

24 MR. JONAS: If we can play InfoCom Search No. 27,  
25 please, both clips.

1                   (Whereupon, InfoCom Search No. 27 was played, while  
2                   questions were propounded.)

3       Q.     (BY MR. JONAS) Agent Burns, do you see the individual in  
4     the center of the screen holding the handheld mic that goes to  
5     the bullhorn?

6       A.     Yes.

7       Q.     Do you recognize who it is?

8       A.     It is very blurry here, but from before it was Ismail  
9     Haniya.

10      Q.     We haven't pulled out Demonstrative No. 17 in a few days,  
11     the chart entitled " Hamas leaders in the 1990s." Is he on  
12     this chart anywhere?

13      A.     He is on the bottom, the second from me, Ismail Haniya.

14      Q.     Do you see that?

15      A.     I do, yes.

16      Q.     Were there other videotapes seized from InfoCom that  
17     pertain to the deportation?

18      A.     Yes.

19               MR. JONAS: If we can play InfoCom Search No. 26,  
20     please, just the first two clips.

21               (Whereupon, InfoCom Search No. 26, Clips A and B,  
22               were played, while questions were propounded.)

23      Q.     (BY MR. JONAS) Agent Burns, did you see a moment ago he  
24     said, "All the brothers belong to either jihad or Hamas"?

25      A.     Yes.



1 Q. Is that part of why you have this Marj al-Zahour category  
2 on these schedules?

3 A. Yes.

4 Q. Agent Burns, do you see there was a reference to Sheikh  
5 Yassin?

6 A. Yes.

7 Q. When you testified earlier about videotapes and being  
8 references to individuals and that is why it is on the chart,  
9 the name and the videotape, is that an example of that?

10 A. That is an example of that.

11 Q. Did you recognize anyone else in that last picture, that  
12 last clip?

13 A. I did.

14 Q. Who?

15 A. Hamas Abdel Aziz Rantisi.

16 Q. And let me pull out Demonstrative No. 17 again. Is  
17 Rantisi on the chart?

18 A. He is.

19 Q. If you can point him out.

20 A. He is second from you on the second row.

21 Q. Right where I am pointing to?

22 A. Yes.

23 Q. Did you find any documentation anywhere in the search  
24 warrant material that pertained to the deportation?

25 A. I did.

1 Q. And the individuals who were deported?

2 A. Yes.

3 MR. JONAS: If we can put InfoCom Search No. 25 on  
4 the screen, please.

5 Q. (BY MR. JONAS) Is this that item you are referring to?

6 A. It is.

7 Q. I realize this is in Arabic. Are we going to go to this  
8 document more in your testimony?

9 A. Yes, we will see it frequently.

10 Q. I just wanted to pull it up to identify it. Has it been  
11 translated?

12 A. It has.

13 Q. Fairly thick document?

14 A. It is.

15 MR. JONAS: If we can go back to the schedule,  
16 please.

17 Q. (BY MR. JONAS) Did you come -- Staying with the  
18 deportees, did you come across any intercepted phone calls  
19 from any of the Defendants discussing the deportees being  
20 Hamas?

21 A. Yes.

22 MR. JONAS: If we can play Baker Wiretap No. 2.

23 Q. (BY MR. JONAS) We played portions of that phone call  
24 between Shukri Abu Baker and Gayle Reeves during your last  
25 testimony. Do you recall that?

1 A. I do.

2 Q. This is going to be another clip from that, clip C, Baker  
3 Wiretap No. 2-A.

4 (Whereupon, Baker Wiretap No. 2, Clip C was played,  
5 while questions were propounded.)

6 Q. (BY MR. JONAS) Agent Burns, did you interview any of the  
7 Defendants regarding the deportation?

8 A. I did.

9 Q. Who?

10 A. The Defendant Mohammad El-Mezain.

11 Q. And what did he say about his knowledge of who was  
12 deported?

13 A. He said that it was reported in the media at that time  
14 that a majority --

15 MS. MORENO: Objection, Your Honor. May we  
16 approach?

17 THE COURT: Yes.

18 (The following was had outside the hearing of the  
19 jury.)

20 MS. MORENO: Your Honor, with respect to any  
21 statements that Mr. El-Mezain made in his deposition, we  
22 suggest that that raises a *Bruton* issue. Oh, it is a 302. We  
23 suggest that raises a *Bruton* issue, and ask for a limiting  
24 instruction, and also object on confrontation grounds.

25 MR. JONAS: We don't have any issue with limiting

1 instructions to the items that were said that were being  
2 offered for the truth, which this is one of them. I think the  
3 instruction is appropriate at the end when you give the  
4 general instructions to the jury. We don't have a problem  
5 with an instruction.

6 THE COURT: And you don't see any *Bruton* -- I don't  
7 see what is coming, but --

8 MR. JONAS: No, because the testimony doesn't  
9 pertain to any of the other Defendants in this case.

10 MS. MORENO: This is a conspiracy case, Your Honor.  
11 The reason they are offering --

12 THE COURT: It is not a *Bruton* issue. I understand,  
13 but that is overruled. But the *Bruton* issue is what I was  
14 asking specifically about. You don't see one?

15 MR. JONAS: No. In fact, this goes to an objection  
16 raised by the Defendants during the testimony of Agent  
17 Miranda, I believe, when he was talking about the family  
18 members, and there was one thing Agent Miranda said about a  
19 relationship between the Defendant Mohammad El-Mezain and  
20 another individual as part of the deportation. And Mr. Jacks  
21 said, "We are going to get to that." We are there. It is  
22 covering that earlier objection as well.

23 MR. DRATEL: He is going to go beyond that, you  
24 know. I assume we get to it on cross examination as to what  
25 he actually said.

1 THE COURT: I don't know what he is going to say.

2 MR. DRATEL: You are going to talk about what he  
3 said about the deportees and not just Hamdan.

4 MR. JONAS: Am I really? I guess I will find out,  
5 because Mr. Dratel knows.

6 MR. WESTFALL: Your Honor, just for clarification,  
7 objection for one is an objection for all?

8 THE COURT: Yes. I think we discussed that several  
9 times. You have that.

10 (The following was had in the presence and hearing  
11 of the jury.)

12 Q. (BY MR. JONAS) Agent Burns, I was asking about an  
13 interview you conducted of the Defendant Mohammad El-Mezain  
14 with regard to the deportees.

15 MR. DRATEL: Can we get a time frame, Your Honor,  
16 please?

17 Q. (BY MR. JONAS) When was he interviewed?

18 A. It was either 2003 or 2002, somewhere -- It was after the  
19 HLF was shut down.

20 Q. Okay. Did Mohammad El-Mezain talk to you about if he had  
21 any family members that were part of the deportation?

22 A. Yes, he did.

23 Q. What did he say?

24 A. He said that he had a cousin who had been deported who  
25 was known to be a Hamas supporter.

1 Q. What was the name of that cousin?

2 A. Ahmed Hamdan.

3 Q. Okay. A moment ago we pulled up InfoCom Search No. 25,  
4 which you identified as coming from InfoCom. That is in the  
5 Arabic document, and we said we will get to later.

6 A. Yes.

7 Q. Just remind us again what that document is about.

8 A. That was a list of deportees to Marj al-Zuhour in 1992.

9 Q. Is the Defendant Mohammad El-Mezain's cousin listed in  
10 that list?

11 A. He is.

12 Q. Identified in that list?

13 A. He is identified, yes.

14 Q. Okay.

15 MR. JONAS: If we can go back to the summary chart,  
16 please.

17 Q. (BY MR. JONAS) I believe we are up to "Marzook's  
18 phonebook." And what is the significance of Marzook's  
19 phonebook to these schedules?

20 A. It was one of the pieces of evidence that I analyzed  
21 regarding these committees and the members of the committees.  
22 And if the committee or an individual who was on one of these  
23 charts as a leader of the committee is listed in Marzook's  
24 phonebook that was seized in 1995 from Marzook, then there  
25 will be an X in that column under that person's name.

1 Q. The next item is "Ashqar's documents." What is that?

2 A. We discussed the December 1993 covert search of Abdel  
3 Haleem Ashqar's home where they took photographs of those  
4 documents. If any of these committees or individuals are  
5 referenced in those documents, you will find an X in that  
6 column.

7 Q. The next one is "Elbarasse's documents." What is that?

8 A. That is the same thing for the Ismail Elbarasse search  
9 warrant. If any of these entities are listed in a piece of  
10 evidence seized in that search warrant, there will be an X in  
11 that column.

12 Q. The last item on this column is "phone calls/faxes."  
13 What are those?

14 A. Those are the wiretap calls and faxes. If we selected an  
15 item from one of those wiretaps that will be discussed that  
16 references one of these individuals or the committee, there  
17 will also be an X in that column or row.

18 Q. Agent Burns, there is a picture on this chart. Who is  
19 that?

20 A. That is Sheikh Ahmed Yassin.

21 Q. Is that the same picture of the one admitted into  
22 evidence of him?

23 A. I don't know if it is the identical picture, but it is  
24 the same individual.

25 Q. Do all the charts have pictures on them?

1 A. No.

2 Q. Just this one?

3 A. Yes.

4 Q. You testified there are Xs where the item on the other  
5 exhibits and the name or the general committee column  
6 intersect, as if there is an item that references that  
7 individual on the committee. Correct?

8 A. Correct.

9 Q. But there are some spaces with no Xs. Can you just  
10 explain that?

11 A. Well, if there is not an X, that means that in the  
12 evidence that is being presented, that individual is not  
13 identified.

14 Q. For that particular item?

15 A. For that particular item. For example, under bank  
16 records here there is no X under Ahmed Yassin's name. That  
17 means that no bank records we are introducing or discussing  
18 discuss or reference Ahmed Yassin.

19 Q. Okay.

20 A. But I might add, there is another column that has an  
21 asterisk with "see payments under general committee." Just to  
22 explain that, we looked at the financial schedules for these  
23 committees. Well, the financial documents that went in to  
24 make up those financial schedules are also evidence that  
25 sometimes relate to the summary charts. So when you see an



1     asterisk and it says "See payments to the Islamic Center of  
2     Gaza," you also need to reference the financial schedule and  
3     those underlying documents.

4     Q.    Why didn't you just list out all those underlying  
5     documents in that schedule all over again in this schedule?

6     A.    Because, one, it would have one made it very cluttered;  
7     and two, it would have just been, you know, double the work  
8     for -- I mean, when you can just go directly to the other  
9     schedule and look at it, it is much easier.

10           MR. JONAS:  If we can go to page two 2 of the  
11     schedule.

12     Q.    (BY MR. JONAS)  Can you explain what this page is about?

13     A.    Yes.  On -- There are three pages to this exhibit, so we  
14     looked at the first page.  The second page again shows the  
15     committee's name on the top, and the same list of exhibit  
16     types on the left.  Then for every exhibit that will be  
17     discussed that relates to this committee, it is sorted by  
18     type.

19           So videotapes, the exhibit numbers that pertain to this  
20     committee are listed out beside videotapes.  HLF Search No. 32  
21     is a videotape.  HLF Search No. 113 a videotape.

22           MR. JONAS:  If we can go to the last page, page 3 of  
23     the schedule.

24     Q.    (BY MR. JONAS)  Are you going to explain this page?

25     A.    To help make it easier, since the records are so

1 voluminous, I tried to break it down by individual and page  
2 number, because some of these exhibits are a rather large. So  
3 all of the same individuals are listed on the third page that  
4 are listed on the first, and underneath them are the exact  
5 exhibit number with page number, so that if you want to go and  
6 look and see where Ahmed Yassin is referenced as it relates to  
7 this summary chart, you can look up the exact exhibit number  
8 and the page number and turn right to the page and see where  
9 he is referenced.

10 Q. Are the exhibits on this page that are sorted by the  
11 individual or the general committee the same exhibits that are  
12 on the second page that are sorted by the source, the exhibit  
13 itself?

14 A. Yes. They are just -- Here you have the additional  
15 benefit of page number, and it is broken down by specific  
16 individual.

17 Q. Okay. Agent Burns, I want to now go through this chart.  
18 And we are not going to go through every single exhibit that  
19 supports the chart, but I want to go through some  
20 representative samples.

21 A. Okay.

22 Q. And first let's start with the first person, Ahmed  
23 Yassin.

24 MR. JONAS: And let's go to HLF Search No. 108, page  
25 11.

1 Q. (BY MR. JONAS) What is this document and what does it  
2 say about Yassin?

3 A. Well, this is one of the Middle East Affairs Journals  
4 that was taken during the HLF search warrant. It is a  
5 document or a journal that was published by the United  
6 Association for Studies and Research, UASR, and in it there is  
7 an article that discusses Yassin and --

8 Q. Can you remind us what the UASR is?

9 A. Yes. They were one of the three initial organizations  
10 that were a part of the Palestine Committee. You had the HLF,  
11 the IAP, and UASR that we saw referenced multiple times in  
12 these early Palestinian Committee documents.

13 Q. And based upon the evidence, who created or who was part  
14 of starting the UASR?

15 A. That was Mousa Abu Marzook the Hamas leader.

16 Q. Okay.

17 MS. HOLLANDER: What was that document number?

18 MR. JONAS: This is HLF Search No. 108, page 11.

19 Q. (BY MR. JONAS) Agent Burns, if we can just point out  
20 where in this page it mentions Yassin, if you can see it?

21 A. He is discussed throughout, but if you look in the first  
22 paragraph it talks about how he established the al Mojama  
23 al-Islami, the Islamic Center we are talking about, in Gaza.

24 Q. Is this one of the items you relied on to connect Yassin  
25 to the Islamic Center?

1 A. Yes.

2 MR. DRATEL: Same objection, Your Honor.

3 THE COURT: Overruled.

4 MR. JONAS: Okay. Let's look at InfoCom Search  
5 No. 28, page 98, please.

6 Q. (BY MR. JONAS) Agent Burns, while we are waiting for  
7 that document to pull up, you testified that -- Well,  
8 withdrawn. What is the purpose of this chart?

9 A. To assist everyone in looking at the specific evidence  
10 that relates to the committees and the people who control  
11 them.

12 Q. Okay. Are you looking -- Is one of the purposes to  
13 connect the HLF to the committee?

14 A. Yes.

15 Q. Is also one of the purposes to identify who in  
16 the -- Withdrawn. Who runs the committees?

17 A. Yes.

18 Q. Okay. Is one of the purposes also to see if there is any  
19 information contained within the body of evidence gathered in  
20 this case connecting those individuals or the committee to  
21 Hamas?

22 A. Yes.

23 Q. Okay. So there are three purposes?

24 A. Right.

25 Q. All right. This particular item, InfoCom Search No. 28,

1 page 98, what is the purpose of this particular item?

2 A. This particular item shows that, again, the Islamic  
3 Center, which is also known as the Islamic Complex, was  
4 founded by Sheikh Ahmed Yassin, the document taken from  
5 InfoCom.

6 Q. Does this support that prior document we just looked at,  
7 the Middle East Affairs Journal?

8 A. It does.

9 MR. JONAS: If we can pull back and enlarge the  
10 middle half.

11 Q. (BY MR. JONAS) Agent Burns, are there documents that  
12 reference multiple individuals per committee? And I am asking  
13 not with regard to this particular schedule, but just  
14 generically with the other schedules as well.

15 A. Yes.

16 Q. So do you reference that document under each person's  
17 name if it identifies each person?

18 A. I do.

19 Q. So this particular one, does this identify individuals  
20 who are on your chart, as well as Sheikh Yassin that you  
21 discussed a moment ago, in the top half of the page?

22 A. Yes.

23 Q. Can you tell us who else is on your chart--which I  
24 realize is not on the screen right now, but you have in front  
25 of you--is identified, per this exhibit, as being connected to

1 the Islamic Center of Gaza?

2 A. I can. It would be nice -- is there any way to pull it  
3 up on the screen with it?

4 MR. JONAS: Can we split screen it, please. If you  
5 can enlarge the names on the right schedule.

6 THE WITNESS: Actually I think this will be okay, if  
7 we leave it like this, because I wanted to show how the Xs  
8 appear.

9 MR. JONAS: Okay. Enlarge on the left page InfoCom  
10 Search No. 28, the names. Thank you.

11 THE WITNESS: Okay. So again, this is -- If you  
12 will look on the right side of your screen on the summary  
13 chart, under exhibits, the third one down is InfoCom list, and  
14 then there are Xs under specific individuals' names. The  
15 document on the left is that InfoCom list, and it referenced,  
16 as we saw, Yassin in the first paragraph. And then No. 1, as  
17 chairman of that organization is Ibrahim al-Yazouri. And if  
18 you look over to the right there is an X under his name  
19 showing that he appears in this list.

20 The same thing with No. 2, Mohammed Hassan Shama'ah. He  
21 is also on the summary chart and has an X under his name in  
22 this row.

23 And finally Mohammed Saleh Taha is referenced in the  
24 summary chart and has an X under his name in this row.

25 Q. So when we talk about these individuals, we don't need to

1 go back to that document now, do we?

2 A. I hope not.

3 Q. Okay. I want to staying with Yassin. Did you come  
4 across -- Is there anything in your chart that references  
5 Sheikh Yassin's connection to Hamas?

6 A. Yes.

7 MR. JONAS: If we can pull HLF Search No. 109, page  
8 140, please.

9 Q. (BY MR. JONAS) What is this item, by the way?

10 A. This is a book that was seized from Abdulrahman Odeh's  
11 office.

12 Q. Do you recall the title?

13 A. It was regarding a study about Hamas. I can't remember  
14 the exact title, but that was the essence of it.

15 Q. Can you remind us again who Abdulrahman Odeh is?

16 A. That is the Defendant Abdulrahman Odeh.

17 Q. What was his connection to the HLF?

18 A. He was the HLF New Jersey representative.

19 Q. Where was this book found?

20 A. In the HLF New Jersey office.

21 Q. Page 140, which is a translation, how does it reference  
22 Yassin's reference to Hamas?

23 A. It is actually reporting on an interview with Sheikh  
24 Ahmed Yassin, and identifies him of the head of the Hamas  
25 movement in the territories.

1 Q. Was there other items that you came across that connected  
2 Yassin to Hamas?

3 A. Yes.

4 MR. JONAS: Let's look at one more. If we can go to  
5 El-Mezain Wiretap No. 1, page 89, please.

6 Q. (BY MR. JONAS) And just can you remind us again what  
7 El-Mezain Wiretap No. 1, what that exhibit consists of?

8 A. Those are a number of faxes that were obtained from the  
9 wiretap on Mohammad El-Mezain's phone.

10 Q. And on this particular page where does it identify Sheikh  
11 Yassin?

12 A. In the first paragraph it says -- it identifies Sheikh  
13 Ahmed Yassin.

14 MR. DRATEL: Same foundation objection, Your Honor.

15 THE COURT: Overruled.

16 MR. JONAS: Enlarge that first paragraph, please.

17 THE WITNESS: And it says, "Sheikh Ahmed Bhar, one  
18 of the Hamas movement leaders in Gaza Strip, confirmed in a  
19 mass festival attended by thousands of Hamas supporters in the  
20 Strip, on the seventh anniversary of the movement that Hamas  
21 was established by a decision from the Islamic leadership and  
22 Sheikh Ahmed Yassin, and that it came to fulfill the desire of  
23 the Palestinian masses to ignite the fire of revolution  
24 against the occupier on December 8, 1987."

25 MR. JONAS: If we can go back to the summary



1 schedule, please, for the Islamic Center of Gaza.

2 Q. (BY MR. JONAS) The next individual is Atef Abed. Am I  
3 pronouncing that correctly?

4 A. Right.

5 Q. And again, just before I leave Yassin for a moment, on  
6 page three of the schedule --

7 MR. JONAS: If we can go to that page real quick.

8 Q. (BY MR. JONAS) There are other items that we have not  
9 covered?

10 A. That is correct.

11 Q. That support Yassin's connection to the committee and  
12 Hamas?

13 A. Yes. So you would want to look at all of those.

14 Q. Okay. We are not going to do that now.

15 A. Okay.

16 Q. But it is all material that is in evidence. Correct?

17 A. Yes, that is correct.

18 Q. Let's just move on to Atef Abed.

19 MR. JONAS: If we can pull up InfoCom Search No. 49,  
20 please, page 8.

21 Q. (BY MR. JONAS) What is this item?

22 A. It is a letter I believe to the HLF from Atef Abdulrahmen  
23 Abed of the Islamic Center, you can see there on the signature  
24 line.

25 Q. This came from where?

1 A. This came from the -- I can't remember if it is the Holy  
2 Land Foundation or InfoCom. It is the HLF.

3 Q. This is InfoCom Search No. 49.

4 A. InfoCom search.

5 Q. The title of the exhibit, does that give you any help?

6 A. It does.

7 MR. JONAS: If we can turn to the HLF Search No.  
8 149, please, page 11.

9 Q. (BY MR. JONAS) And what is this?

10 A. This again is a thank you letter from Atef Abed from the  
11 Islamic Center, also known as the Islamic Complex--it is a  
12 different way of translating the same word--to the HLF, and  
13 it was found at the HLF.

14 Q. With regard to the material again that you reviewed and  
15 that you made part of your chart, did you find a connection  
16 between every individual in the chart and Hamas?

17 A. Not within the evidence that we are presenting here.

18 Q. That is what I am asking.

19 A. Yes.

20 Q. So with regard to this individual, on the chart it just  
21 has these two exhibits we have pulled up that just connect  
22 them to the committee, as well as there is a connection to  
23 HLF. Did you come across anything within the body of material  
24 that you reviewed that is in evidence and supports this chart  
25 connecting Atef Abed to Hamas?

1 A. Not other than his connection through the Islamic Center.

2 Q. Okay. If we can go to -- The next person on the chart is  
3 Ibrahim al-Yazouri. We don't need to keep going. Do you see  
4 he is the third name?

5 A. Yes.

6 Q. Let's look at a few of the examples. When we pulled up  
7 InfoCom No. 28, when we were talking about Shiekh Yassin, was  
8 al-Yazouri's name on that document?

9 A. Yes. Actually I believe he was listed as the chairman on  
10 the document.

11 MR. JONAS: Let's go to an HLF Foreign Account No.  
12 1, page 67.

13 Q. (BY MR. JONAS) And what is HLF Foreign Account No. 1  
14 Agent Burns?

15 A. That is one of the HLF's foreign bank accounts in the  
16 territories.

17 Q. And how do you connect this -- You have this exhibit  
18 listed under the Ibrahim al-Yazouri column. What is it about  
19 this exhibit that connects him?

20 A. This is a payment to him as director of the Islamic  
21 Assembly--and assembly is just a different way of translating  
22 the same word Islamic Center--and from the HLF. So it is a  
23 direct financial connection between the HLF and this  
24 individual.

25 Q. Okay.

1                   MR. JONAS: Let's go to HLF Search No. 109, page  
2 143, please.

3 Q.     (BY MR. JONAS) This is the book we looked at a moment  
4 ago?

5 A.     It is.

6 Q.     Is there anything in this document, in this book, that  
7 connects Ibrahim al-Yazouri to Hamas?

8 A.     Yes.

9 Q.     What is that?

10 A.     I am looking for the specific paragraph. There he is  
11 listed, if you look, it says the Islamic Resistance Movement,  
12 Hamas, in Gaza, six people who are Salah Shehatah, Mohamed  
13 Shma'a who is also listed on this chart, Ibrahim Yazouri who  
14 is the individual we are speaking about, Abdel Aziz al  
15 Rantisi, Abdel Fattah Dokhan, and Issa AL Nashar. So it  
16 identifies him as a leader of Hamas.

17 Q.     Abdel Aziz Rantisi, that is the individual we saw on the  
18 deportee tape that we pointed out a few moments ago?

19 A.     That is correct.

20 Q.     Okay. Let's move to the next person on the list, then.  
21 You identified a guy named Mohamed Shama'ah?

22 A.     Yes.

23 Q.     Correct? He has been now -- I think we have seen his  
24 name twice on some of these exhibits. Is that correct?

25 A.     That is correct. We saw him on the InfoCom list and we

1 saw him there -- as identified with the committee. And then  
2 we saw him there in that Middle East Affairs Journal  
3 identified as a leader of Hamas.

4 Q. Okay. Let's look at one more on him. Okay?

5 A. Okay.

6 MR. JONAS: InfoCom Search No. 25, page 24.

7 Q. (BY MR. JONAS) And while that is pulling up, can you  
8 remind us what InfoCom Search No. 25 is?

9 A. Yes. It is a list of those deportees to Marj al-Zuhour,  
10 Lebanon that was taken from InfoCom.

11 Q. Okay. And on page 24, which is the English translation,  
12 where do we see Mohamed Shma'ah's name?

13 A. He is the last individual listed on this page.

14 Q. Okay. Let's move on to the next individual, Mohamed  
15 Taha, T-A-H-A.

16 MR. JONAS: I am sorry. Go back to that page,  
17 InfoCom Search No. 25. I am sorry. My mistake. Don't worry  
18 about that.

19 Q. (BY MR. JONAS) Have we seen Mohammed Taha's name already  
20 this morning?

21 A. It was in InfoCom Search No. 25 on page 64.

22 Q. Okay.

23 A. It was also in the InfoCom list.

24 MR. JONAS: Let's look at another one. InfoCom  
25 Search No. 48, page 217.

1 Q. (BY MR. JONAS) Is that Mohammed Taha there?

2 A. I think there is a typo on the page number.

3 MR. JONAS: Try page 123.

4 THE WITNESS: Yes.

5 Q. (BY MR. JONAS) Okay. And what is this item? What is  
6 this exhibit?

7 A. This is a -- We talked about the prisoners projects,  
8 these needy family projects in my first testimony, with the  
9 individuals that had been detained for security reasons who  
10 were supported by the HLF. This is a certificate of one of  
11 the individuals who was supported by the HLF who had been  
12 detained for security reasons.

13 So this particular individual was supported by the HLF as  
14 a prisoner in 1991, and as a deportee when he was deported in  
15 late 1992, early '93, and he was also identified on the  
16 InfoCom list as a member of this committee, of the Islamic  
17 Center of Gaza.

18 Q. And everything you just testified to, is that contained  
19 within the exhibits we just looked at?

20 A. Yes, it is just listed here on the third page.

21 Q. Let's go to the general committee column.

22 MR. JONAS: Go back to the schedule, please, the  
23 third page.

24 Q. (BY MR. JONAS) We see a series of exhibits that are  
25 under the general committee column. And generally speaking,

1 can you tell us what these exhibits say with regard to this  
2 committee?

3 A. Well, the HLF search and InfoCom search documents will be  
4 a little bit different. Those are usually letters, thank you  
5 letters, things like that. The Ashqar documents, I believe  
6 those are more phone lists, things like that. Actually Ashqar  
7 No. 5 I know is also a letter. It is a Hamas letter. And  
8 Elbarasse Search No. 18 is the fax from the Islamic Relief  
9 Committee, from my first testimony that we discussed, wherein  
10 Hamas was requesting weapons, and they also requested aid to  
11 prisoners' families.

12 Q. Does that relate to the Islamic Center of Gaza?

13 A. It does.

14 Q. I want to go back to something you said a moment ago  
15 about the HLF search and InfoCom search, and those are  
16 letters. What is the purpose of those documents on this  
17 chart?

18 A. To show connection between the HLF and the Islamic Center  
19 of Gaza. And on this chart, because the Islamic Center of  
20 Gaza is a little bit different, it goes to show their general  
21 connection with the committee.

22 MR. JONAS: Let's pull up Elbarasse Search No. 18,  
23 page 14, please. Before we do that, we need to read the  
24 bottom of page 12. So let's go back to page 12 and then we  
25 will go to page 14.

1 Q. (BY MR. JONAS) Can you just read this bottom paragraph?

2 A. Yes. And again, this is that fax from the Islamic Relief  
3 Committee, that we initially talked about in my first  
4 testimony, from 1992, and this is part of it. And it says,  
5 "You do not know how happy people become when they watch those  
6 Mujahideen and how proud they feel when they parade in their  
7 uniforms and weapons, and the extent of their honor when they  
8 carry out their jihadist operations against the Jews and their  
9 tentacles. It is a feeling that no taste or enjoy its flavor  
10 except the one who lives it. Jihad in Palestine is different  
11 from any jihad. The meaning of killing a Jew for the  
12 liberation of Palestine cannot be compared to any jihad on  
13 earth. This is the meaning that I came out with from there."

14 Q. Okay.

15 MR. JONAS: If we can go now to page 14.

16 Q. (BY MR. JONAS) What is it on this page that caused you  
17 to put this on the Islamic Center of Gaza chart?

18 A. Well, after the writer goes and requests aid for weapons,  
19 he says that he appeals to the reader to take quick action to  
20 feel the needs of the people inside. And he lists the  
21 delivery channels, the channels through which that aid could  
22 be given. And the first one is the detainees and the needs of  
23 their families. And if you scroll down, he lists the Islamic  
24 Complex, which is the Islamic Center of Gaza as one of the  
25 channels for delivering funds.



1 Q. Okay. The last thing I want to ask you about on this  
2 particular schedule is the Philadelphia meeting. You said  
3 that they talked in the Philadelphia meeting about some of  
4 these committees.

5 A. Yes.

6 Q. Okay.

7 MR. JONAS: If we can play Philadelphia Meeting  
8 No. 13, clip A, please.

9 (Whereupon, Philly Meeting No. 13, Clip A was  
10 played, while questions were propounded.)

11 Q. (BY MR. JONAS) Who is speaking?

12 A. This is Muin Shabib.

13 Q. He said, "We must speak about the situation and the  
14 organizations on the inside." Have we heard that terminology  
15 in this case?

16 A. Yes.

17 Q. And what is that terminology? How has that terminology  
18 been defined as in this case?

19 A. Inside the Palestinian territories as opposed to outside  
20 the Palestinian territories.

21 Q. Okay.

22 MS. CADEDDU: I would object to that testimony as an  
23 improper summary.

24 THE COURT: Overruled.

25 Q. (BY MR. JONAS) Agent Burns, do you see where he refers

1 to the Islamic Complex?

2 A. Yes.

3 Q. Is that the Islamic Center of Gaza that you have been  
4 testifying about?

5 A. That is correct.

6 Q. Does he go on and talk about other zakat committees that  
7 the HLF gave money to?

8 A. He does.

9 Q. That we are going to talk about soon?

10 A. Yes.

11 Q. I am just going to let this clip play out. It is going  
12 to be easier, if that is okay with you.

13 A. Okay.

14 Q. Do you see where he refers to al-Salah Society?

15 A. Yes.

16 Q. Is that a society you are going to testify about?

17 A. It is, just as the Islamic Society of Gaza, the one he  
18 mentions just before it.

19 Q. Okay. Do you see the Nablus zakat committee?

20 A. Yes.

21 Q. Did the HLF give money to the Nablus zakat committee?

22 A. Yes.

23 Q. Do you see the reference to Islamic Movement?

24 A. Yes.

25 Q. Have we seen that mentioned in this case before?

1 A. Yes.

2 Q. And based upon the evidence, what is the Islamic  
3 Movement?

4 A. That will be the Islamic Resistance Movement, Hamas.

5 Q. He references in Jenin a zakat committee. Did the HLF  
6 give financial aid to the Jenin zakat committee?

7 A. They did, as well as the hospital that is referenced  
8 there.

9 Q. Tulkarem. Did the HLF give money to the Tulkarem zakat  
10 committee?

11 A. Yes.

12 Q. And he mentions Qalqilya. Was there a Qalqilya zakat  
13 committee that the HLF gave money to?

14 A. Yes.

15 Q. Do you see where it says SH and UI?

16 A. Yes.

17 Q. What is the UI?

18 A. That means unintelligible. The translator couldn't  
19 understand what was being said.

20 Q. Who is the SH?

21 A. That is the Defendant Shukri Abu Baker.

22 Q. Do you see where he says, "In Jerusalem will remain some  
23 organizations, particularly the Islamic Sciences and Culture  
24 Society"? Did the HLF give money to the Islamic Sciences and  
25 Culture Society?

1 A. Yes.

2 Q. And I know we are going to get to that soon, but who ran  
3 that society back when the HLF was giving money to it?

4 A. Particularly Hamas leader Jamil Hamami.

5 Q. Agent Burns, do you see where it says, "We could say that  
6 the Ramallah zakat committee is ours, including its management  
7 and officers"? Did the HLF give money to the Ramallah zakat  
8 committee?

9 A. Yes.

10 THE COURT: Let's go ahead and take a break at this  
11 point. Be back at a quarter till 11:00.

12 (Whereupon, the jury left the courtroom.)

13 THE COURT: We will be in recess until 15 till.

14 MR. DRATEL: Your Honor, I think the problem now  
15 with respect to the type of testimony we have had is that  
16 things that came in to show that Holy Land had them in their  
17 files or that things were faxed to Mr. El-Mezain have now come  
18 in for the truth. In other words, she has been reading as a  
19 foundation, things that are in the Middle East Journal  
20 articles and things like that, and using that for the truth.  
21 And I think that is one of the problems of not having an  
22 instruction contemporaneous with when those things came in  
23 initially, what they are being introduced for. Now I think it  
24 is completely muddled, and they are coming in for a purpose  
25 that they were not initially put in for. So that is my

1 objection.

2 MR. JONAS: Your Honor, I don't recall any  
3 limitation on these particular exhibits. And while there are  
4 some exhibits, and not these ones in particular, that may have  
5 been offered to show that the HLF had them, these exhibits are  
6 documents that were created by co-conspirators in this case.  
7 For example, The Middle East Affairs Journal was published by  
8 the UASR, which we have established is a co-conspirator as  
9 part of the Palestine Committee.

10 That book that Agent Burns testified about with the red  
11 cover taken from the office of Defendant Odeh, if I remember  
12 correctly, and Agent Burns can correct me if I am wrong, has  
13 the HLF as the OLF in the back of it with an IAP publication.  
14 I am being told no. It is not that particular book. There is  
15 another book like that, though.

16 So I think we -- And we are arguing that these are  
17 co-conspirator statements made in furtherance of.

18 THE COURT: And I don't remember the limitations,  
19 counsel, on these documents that they were admitted not for  
20 the truth. I don't remember that. The record will reflect  
21 that.

22 MR. DRATEL: I thought your basis for admitting  
23 them, Your Honor, was that they were found in the Holy Land  
24 files or they were received --

25 THE COURT: I don't remember that conversation.

1 That doesn't mean that they come in not for the truth because  
2 they were found there. That doesn't mean there is a  
3 limitation what they can be used for.

4 MR. DRATEL: They have hearsay within them, and I  
5 think that just because they were found --

6 THE COURT: Counsel, but part of what I am hearing  
7 here, that is the reason I asked the Government to give you in  
8 advance the exhibits so we could get objections. I have  
9 admitted these exhibits. They have been admitted. There were  
10 no limitations on those exhibits, except those that we  
11 specifically discussed. And there were a few that we  
12 discussed. But there wasn't a general limitation on these  
13 documents that they were being admitted not for the truth.  
14 And I wanted objections back then before I admitted; not now  
15 that they are in. I am getting these objections now. These  
16 exhibits are in.

17 If you didn't make those objections, in my view they are  
18 untimely now and they have been waived. That is why I had the  
19 Government give you that list, so I could hear objections. I  
20 am not going to sit here and go through all these exhibits and  
21 listen to them to figure out what is right and what is wrong.  
22 That is your job. There is a lot more of you than me. So I  
23 need to hear the objections from counsel. And I dealt with  
24 those objections as I received them, and then we dealt with  
25 them. Some have been limited, some of them have been admitted

1 in part, and some of them are in. But those that are in are  
2 in. And if there was a limitation, the record will reflect  
3 it. I don't recall any limitations, like you are discussing,  
4 on these exhibits. So if they are in for all purposes they  
5 are in and this is not improper then.

6 MR. DRATEL: Your Honor, and I don't think it is  
7 untimely when the witness is testifying, but also --

8 THE COURT: I think it is untimely if the exhibit  
9 has already been admitted into evidence. You have been given  
10 an opportunity to object, and you didn't object on the basis  
11 you are now objecting.

12 MR. DRATEL: I am objecting to the use which they  
13 are putting it.

14 But the other issue is that, for example, for example,  
15 the UASR Middle East Journal, it is not written by them. It  
16 is written by someone else. They haven't proved that person  
17 is a co-conspirator who wrote the articles. This expands the  
18 co-conspirator exception beyond the breaking point.

19 THE COURT: All right.

20 MS. HOLLANDER: Your Honor, I just thought, and I  
21 could be wrong, but I thought that when these documents came  
22 in originally that, and I have --

23 THE COURT: Like the first time she testified?

24 MS. HOLLANDER: Right. Originally when they first  
25 came in, Mr. Jacks said, and I wrote it down, the quote, "The

1 jury is entitled to see what HLF kept as an indication of  
2 their state of mind," that they were being offered to show --

3 THE COURT: But that doesn't establish that they  
4 weren't offered for the truth. I don't ever recall having  
5 that limitation just generally on these exhibits that we are  
6 having now.

7 And then we did admit some housekeeping towards the end  
8 of her first time that she testified, and there I think it was  
9 subject to some other provisions, and I don't recall the  
10 limitations. But now you have been given the list,  
11 housekeeping that she discussed later, and you have had the  
12 opportunity to object. That is the point I am making. That  
13 is what that list was for. You have had this list since when?

14 MR. JONAS: This particular list with regard to this  
15 testimony, Thursday maybe.

16 THE COURT: Last week sometime. And so that is why  
17 you received it, so I could get the objections. I have  
18 received the objections yesterday, and so now I have ruled on  
19 them and I am hearing more and more and more objections. So  
20 you have now had your objections. These objections raised now  
21 were not raised previously. You had, I guess to the extent  
22 you had hearsay or 403 generally, but now you are objecting to  
23 specific portions. You have previously objected to specific  
24 portions of some of these exhibits, and we have kept out part  
25 of them.



15 All right. We will be in recess. Be here at a quarter  
16 till.

18 THE COURT: Do we need to take up a matter before  
19 the jury comes in?

21 I think that part of the confusion from this side is that  
22 there are -- This morning you had overruled objections we had  
23 to some specific exhibits that we identified in our motion,  
24 and we had identified in particular those that we thought we  
25 needed to argue about, and we tried to include as many others

1     stating objections we had stated before.

2             And so I think what is happening is because Mr. Jonas  
3     isn't identifying those exhibits that are coming into evidence  
4     today, we are getting confused whether they were in before or  
5     they are coming in today, and so that there are some, like,  
6     for example, hearsay objections that don't require any kind of  
7     argument but we need to make our objections to those.

8             We tried to identify them all in the motion, but we may  
9     have missed some, and we are having a difficulty  
10    distinguishing what was admitted before and today.

11            I spoke to Mr. Jonas, and we would appreciate it if Mr.  
12    Jonas would just identify this exhibit is coming in today for  
13    all those exhibits, except for the ones the Court specifically  
14    considered this morning which we already have written down.

15            MR. JONAS: Your Honor, just so I can maybe add to  
16    that, a list that I sent on Thursday were exhibits that had  
17    not been admitted.

18            THE COURT: Yes. Some of them actually have been,  
19    but that has happened on every list. But by and large I would  
20    say 90 percent were not admitted. So these were new exhibits,  
21    which is what the list is designed to do. I am not asking you  
22    to give each other lists of exhibits that are already in that  
23    you want to talk with the witness about. I am asking about  
24    new exhibits that aren't in so that we can get objections, and  
25    then I can try to resolve those before we start questioning

1 the witness.

2 So the purpose behind the list, both ways, is new  
3 exhibits that are not in evidence that you intend to use with  
4 any particular witness, and I want the objections in advance  
5 so then we can resolve them.

6 So when I get objections, I am treating those as these  
7 are the objections. And when I get a hearsay objection, 403,  
8 your standard objections that you have to all of these  
9 exhibits, virtually, I am treating it as an objection to the  
10 exhibit as a whole, unless you identify a particular problems,  
11 which you have done on occasion. And I am treating those as  
12 objections to the exhibit as a whole, and then I will look at  
13 those exhibits, or I have done that mostly. And once I rule  
14 on it, then the exhibit is in.

15 If it is in for a limited purpose, of course it is for  
16 that limited purpose, but once it is in, it is in. So I don't  
17 need to be hearing additional objections you didn't think  
18 about, or whatever happens. That is where I am, and that the  
19 purpose for the -- That is the only reason to have this change  
20 of exhibits is to avoid these objections during the trial and  
21 the discussions that come with it. All these bench  
22 conferences we were having to have that first or second day of  
23 trial that we spent so much time up here was designed to fix  
24 that.

25 MS. DUNCAN: Right, Your Honor. And with our

1 pleading, we hoped to identify all of those that would require  
2 us to go in depth into our objection, but there were some that  
3 we may not have identified. When we were just sort of  
4 reurging our prior objections, there may be some where we have  
5 those hearsay or 403, which the Court has overruled before, so  
6 they weren't identified in that motion just because we were  
7 going through it --

8 THE COURT: And in your objections they were not  
9 identified?

10 MS. DUNCAN: Yes, Your Honor.

11 So what we are asking, if we could simply identify the  
12 exhibits that are coming in today, being introduced today,  
13 versus the ones that were introduced, for example, during  
14 Agent Burns' testimony the first time. That would allow us to  
15 make sure we have got what we need today, so we are not going  
16 to be reurging objections to exhibits that were introduced two  
17 weeks ago, and just deal with the exhibits coming in for the  
18 first time today.

19 MR. JONAS: Let me just make a suggestion. As I am  
20 going through these exhibits with Agent Burns, I am just doing  
21 a representative sample of what supports the list, so my  
22 assumption is based on the sidebar that they are all in.

23 I had created my own cheat sheet, for lack of a better  
24 term, for exhibits I thought I needed to admit per the  
25 schedule that had not previously been admitted. As long as I

1 know I can get this back, I am happy to give this to Ms.  
2 Duncan as a guide. Maybe that helps them so they can see what  
3 has not been admitted.

4 THE COURT: Let's do this. Also with respect to  
5 other lists, we have had objections that you had submitted,  
6 and you identified in those objections exhibits that you saw  
7 that had already previously been admitted, and you identified  
8 that in your objections. So that has been there, that we know  
9 some of those get on these lists.

10 MS. DUNCAN: Correct, Your Honor. We have like --  
11 All of us have master lists, the Government's exhibit list,  
12 and we are just keeping track of when exhibits are coming in  
13 and overruled, that sort of thing. So it is happening.

14 What I think is causing some confusion, as we try to do  
15 that for exhibits coming in today, we are not able to do it  
16 quickly, because normally the Government will say, "We move  
17 into evidence Elbarasse Search No. 23, and we find it. But I  
18 think because that is not happening, it is causing some  
19 confusion and so I think we are confusing what was introduced  
20 a couple of weeks versus what is today.

21 MR. JONAS: My list, I am having a copy made. That  
22 way I don't have to worry.

23 THE COURT: Those are the exhibits that you have  
24 identified as not having been previously introduced and  
25 submitted?

1           MR. JONAS: Correct. And just to be clear, it only  
2 goes with regard to these specific zakat schedules, because  
3 after I move beyond these schedules I am going to go into a  
4 new area that may also have exhibits that have not been  
5 previously admitted, so I am clear.

6           THE COURT: With Agent Burns, you are going to go to  
7 another --

8           MR. JONAS: Yes.

9           THE COURT: Then they are on the list?

10          MR. JONAS: Yes, sir.

11          THE COURT: Then they are admitted from this  
12 morning?

13          MR. JONAS: Yes. What I am saying is The list I am  
14 going to give them of ones not admitted prior to this morning  
15 only covers the zakat schedules.

16          THE COURT: I got you.

17          MR. JONAS: When I am done going through the  
18 schedules, there is another section of her testimony that  
19 covers additional exhibits which are now admitted per Your  
20 Honor's ruling.

21          THE COURT: That were admitted this morning?

22          MR. JONAS: Correct. So I will address those with  
23 the Defense during lunch and let them know that this is the  
24 ones that were not admitted until this morning.

25          Are we clear on that?

1 MS. DUNCAN: Thank you.

2 MS. HOLLANDER: I think maybe I am confusing things,  
3 but I think I figured something out. You admitted -- Your  
4 Honor admitted these exhibits, the majority of those that we  
5 had put into our objections?

6 THE COURT: Right.

7 MS. HOLLANDER: Some we had put into our objections.  
8 But I think what Ms. Duncan -- And she was in charge of this,  
9 and I think she didn't hear Your Honor say that. And that is  
10 part of the problem is that that didn't include all of  
11 our -- It included as much as we could get done by 6:00  
12 yesterday afternoon. There are still some that we just need  
13 to preserve, and those are the ones that she wants to be able  
14 to make the objection even if --

15 THE COURT: That is a problem that I have. We will  
16 have to discuss that further. I guess we can resolve that  
17 right now, because in my mind I had received the objections  
18 and it has been resolved, but we will go back to that.

19 MS. HOLLANDER: I think that is the problem, Your  
20 Honor.

21 THE COURT: I am not going to allow objections  
22 throughout the trial to the same exhibits. I want objections,  
23 I want to rule on them, and then we are done, and that is the  
24 procedure.

25 MS. MORENO: And I appreciate that, Your Honor. Our

1 intent is not to waste the Court's time. Once in a while an  
2 exhibit will have 40 or 50 pages.

3 THE COURT: I understand that, counsel, but you have  
4 had these exhibits for months and months. I haven't.

5 MS. MORENO: I understand.

6 THE COURT: And there may be some new ones, but a  
7 lot of them have been there for a long time. These lists have  
8 been out -- This is not the first time around. That is still  
9 your job. That is just not acceptable to me that somehow you  
10 haven't had the time.

11 MS. MORENO: No. That wasn't my point, Your Honor.  
12 I am not quibbling with the Court. All I am saying is that  
13 sometimes there is a different focus on a particular exhibit.  
14 And so on some discreet portions of a particular exhibit from  
15 time to time I certainly have brought the Court's attention to  
16 certain areas.

17 THE COURT: I understand that. But that is the  
18 point I am making is we just can't keep allowing that to go on  
19 for the duration of the trial. Once you have been given an  
20 opportunity to object, and then I make the ruling anything,  
21 after that I am considering it waived and untimely, once you  
22 have been given that opportunity. We just don't keep going  
23 and going and going, and "I thought of something else." It  
24 doesn't work that way. That is really what you are saying,  
25 for whatever reason, you know, something else has come up; or



1 as Mr. Dratel was saying earlier, the use to which they are  
2 being put. Well, we don't know what they are being put in  
3 for, but once they are in they are in. Either side can use  
4 them for whatever purpose is proper. But We can't take new  
5 objections.

6 MS. MORENO: So I understand the Court's direction,  
7 is the Court saying that once you make your rulings, for  
8 instance in the morning to this comprehensive list, that the  
9 Court is not going to allow any further objections as to those  
10 particular --

11 THE COURT: As to those exhibits, yes. You have  
12 been given an opportunity to object. And that is why I am  
13 having the parties exchange the lists in advance is to avoid  
14 these objections during the testimony of the witness. And  
15 there are a lot of attorneys and a lot of objections, so it  
16 delays it. That is the purpose behind that, along with just  
17 the particular procedural posture of this case, that I didn't  
18 think that that would cause any harm to anybody.

19 MR. JONAS: Your Honor, Two quick things.

20 One is Mr. Jacks gave the Defense a copy of that  
21 demonstrative I mentioned earlier this morning. It has been  
22 created and they have copies now.

23 And I late to do this. We need to have a real quick  
24 sidebar.

25 THE COURT: Come on up.

1 MR. JONAS: I don't need this on the record.

2 (discussion at the bench, out of the hearing of the  
3 reporter.)

4 THE COURT: All right. Ready?

5 (Whereupon, the jury entered the courtroom.)

6 THE COURT: Mr. Jonas?

7 MR. JONAS: Thank you, sir.

8 Q. (BY MR. JONAS) Agent Burns, when we broke we were  
9 playing a portion of the Philadelphia meeting.

10 A. Yes.

11 Q. We have one more clip to play.

12 MR. JONAS: Play Clip C, please, Philadelphia  
13 Meeting No. 13, clip C.

14 (Whereupon, Philly Meeting No. 13, Clip C was  
15 played, while questions were propounded.)

16 Q. (BY MR. JONAS) Agent Burns, do you see it says "Islamic  
17 Charitable Society located in Hebron"?

18 A. Yes.

19 Q. Did the HLF give to the Islamic Charitable Society in  
20 Hebron?

21 A. Yes.

22 Q. Agent Burns, do you see where he says, "The complex,  
23 Yassin"? What is the complex as it relates to your testimony  
24 this morning?

25 A. That is the Islamic Center of Gaza, and that is sheikh

1 Ahmed Yassin.

2 Q. And it says, "Islamic Society al-Kuka." Did the Holy  
3 Land Foundation give money the Islamic Society?

4 A. Yes. The Islamic Society of Gaza.

5 Q. Does al-Kuka mean anything with regard to the Islamic  
6 Society of Gaza?

7 A. Yes.

8 Q. What is that?

9 A. Khalil al-Kuka was one of the leaders of the Islamic  
10 Society. We have seen him in one of our videotapes.

11 Q. Agent Burns, since we just discussed Islamic Society of  
12 Gaza, why don't we go to that chart.

13 A. Okay.

14 MR. JONAS: Before we pull up the specific chart on  
15 the zakat schedules, lets go to the payment schedule first.  
16 If we can pull up Payments to Islamic Society of Gaza, please.

17 Q. (BY MR. JONAS) Agent Burns, is this the right exhibit  
18 for the society?

19 A. Yes.

20 Q. Can you tell us the time period of payments between the  
21 Holy Land Foundation and the Islamic Society of Gaza, the  
22 first and last?

23 A. Yes. You can see that the first transaction that we have  
24 located here was November 23rd, 1992.

25 MR. JONAS: Go page by page, please, Agent Lewis.

1 Q. (BY MR. JONAS) Before we go on, Agent Burns, what do we  
2 see in this page with regard to the transactions?

3 A. Again, these payments are listed chronologically by date,  
4 and so here because we have payments that go after the Hamas  
5 designation date, you have the line for January 23rd, 1995  
6 indicating the date that Hamas was designated, and then  
7 payments that are listed thereafter. And then there is the  
8 date for the Hamas designation as a foreign terrorist  
9 organization.

10 Q. Okay.

11 A. And the transactions thereafter.

12 Q. And the transactions continue after Hamas was designated  
13 as a foreign terrorist organization?

14 A. Yes.

15 Q. When was the last transaction with the Islamic Society?

16 A. The last that we were able to track here was August 23rd,  
17 2001.

18 Q. How much total did the HLF pay to the Islamic Society?

19 A. \$201,196 plus 68,792 Israeli shekels.

20 Q. Do you see where it says "destination payment to" on the  
21 previous page?

22 A. I do.

23 Q. Is there an individual listed?

24 A. Yes.

25 Q. Who is that?

1 A. Ahmad Bhar.

2 Q. Who is he?

3 A. He was one of the leaders of the Islamic Society of Gaza.

4 Q. Is he on the schedule we are about to go over for this  
5 organization?

6 A. Yes.

7 Q. Did all the payments after a certain time, were they all  
8 in Israeli shekels from a certain time forward?

9 A. I see that -- You know, you see the Israeli shekels and  
10 then there will be a dollar payment, and then there is Israeli  
11 shekels and a dollar payment. If you scroll to the next page  
12 I can confirm. No, they were intermixed.

13 Q. Okay.

14 MR. JONAS: If we can just look at -- Go back to the  
15 prior page, please. And let's look at HLF Foreign Account  
16 No. 1, page 281. This is a transaction on March 28th, 1995.

17 Q. (BY MR. JONAS) What is this document?

18 A. This is a translation of the Arabic on the previous page.  
19 It is a record from the HLF's Bank of Palestine account  
20 showing that the HLF paid Ahmad Bhar, and the payment  
21 identified him as the president of the Islamic Society, and it  
22 lists the amount in shekels.

23 Q. Okay.

24 MR. JONAS: Can we go back to the payment schedule,  
25 please?

1 Q. (BY MR. JONAS) Agent Burns, with regard to the  
2 transaction that I just showed you, there is only one exhibit  
3 listed as supporting that transaction, the one we looked at.  
4 Did you or other agents search all the material that the FBI  
5 gathered to see if there is any other documentation supporting  
6 this transaction?

7 A. Yes. And other IRS agents examined the records and did  
8 not locate additional documentation regarding those specific  
9 transactions.

10 Q. Okay. If the FBI was not able to get the HLF bank  
11 account in the Bank of Palestine, would you have been able  
12 to -- How would you have been able to learn about this  
13 particular transaction to the Islamic Society?

14 A. Well, based on what we located, we would not have known  
15 about those had we not obtained the foreign accounts.

16 Q. In your experience as an agent, how does the FBI or the  
17 Government normally gather bank records?

18 A. Normally we subpoena the bank records.

19 Q. And what about if bank accounts are located in other  
20 countries?

21 A. Well, if it is a country that we have a mutual legal  
22 assistance treaty with, then we will seek those records  
23 officially through that mutual legal assistance treaty.

24 Q. Do you know if there is a mutual legal assistance treaty  
25 with the Palestinian Authority?

1 A. There is no official relationship with them at all.

2 Q. How did the FBI get these records?

3 A. Through special subpoenas that came into effect  
4 after -- in recent years, like Patriot Act subpoenas, Nova  
5 Scotia subpoenas, things like that.

6 Q. Those are subpoenas that are authorized by law?

7 A. Yes.

8 Q. And those require the banks to provide these records?

9 A. They do.

10 Q. Is this a new technique available to the FBI to gather  
11 bank records?

12 A. Yes, very recent.

13 Q. If it wasn't for this technique, would the FBI, would the  
14 Government have learned of these particular transactions to  
15 the Islamic Society after Hamas was designated?

16 A. I would not have learned of them, no.

17 Q. Okay.

18 MR. JONAS: Let's go to the Islamic Society of Gaza  
19 summary chart. So we are clear for the record, not the  
20 payments chart but the other chart that we discussed earlier.

21 Q. (BY MR. JONAS) Agent Burns, let's start with the first  
22 individual. Who is that?

23 A. Ahmad Bhar.

24 Q. You already mentioned him?

25 A. Yes.

1 Q. Okay.

2 MR. JONAS: Let's look at HLF Search No. 156, page  
3 6, please.

4 Q. (BY MR. JONAS) And what is this document?

5 A. This is a letter from the Islamic Society of Gaza dated  
6 November 12th, 2000 to the Holy Land Foundation, and it is  
7 signed by that individual Ahmad Bhar.

8 Q. Okay.

9 MR. JONAS: If we can look at El-Mezain Wiretap  
10 No. 1, page 89, please.

11 Q. (BY MR. JONAS) Is Ahmad Bhar's name mentioned anywhere  
12 in this document?

13 A. It is, in paragraph one.

14 Q. Where does it say his name?

15 A. It says "Sheikh Ahmad Bhar, one of the Hamas movement  
16 leaders in the Gaza Strip." And this document I believe, if  
17 we go up to the date you can see that it predates that thank  
18 you letter by many years--December 17th, 1994.

19 Q. Okay.

20 MR. JONAS: Going back to the summary chart, please.

21 Q. (BY MR. JONAS) We will move to the next individual. Who  
22 is that?

23 MR. JONAS: Before we do that, can you just enlarge  
24 the top portion?

25 Q. (BY MR. JONAS) Can you just identify the names of the



1 people associated with the committee, since we will see their  
2 names on several documents together?

3 A. Yes. The names of the individuals that we will be  
4 discussing relating to this committee are Ahmed Bahr, Muhamad  
5 Barud, Khalil al-Kuka, Hamad al-Hassanat, and Ismail Haniya.

6 Q. Okay. Let's just go to Barud for a moment. Actually  
7 before we do that, has there been a videotape that identifies  
8 any of these individuals?

9 A. Yes.

10 Q. Where was the videotape seized from, if you recall?

11 A. I believe the one that we are referencing was seized at  
12 InfoCom. There were several videotapes.

13 Q. Okay.

14 MR. JONAS: If we can play InfoCom Search No. 57.

15 Q. (BY MR. JONAS) Agent Burns, before this plays, does this  
16 videotape -- is this in connection to the Islamic Society of  
17 Gaza that you are now testifying about?

18 A. Yes. This tape relates to a summer camp that was funded  
19 by the HLF through the Islamic Society of Gaza.

20 Q. Does this videotape identify some of the members of the  
21 committee?

22 A. It does.

23 Q. If we can play the tape, please.

24 (Whereupon, InfoCom Search No. 57 was played, while  
25 questions were propounded.)

1 Q. (BY MR. JONAS) Agent Burns, can you see what they are  
2 holding?

3 A. Yes.

4 Q. What?

5 A. Automatic weapons.

6 Q. Okay. Agent Burns, did you see where it says -- in the  
7 top right hand side it is a translation of the banners. Is  
8 that correct?

9 A. Yes. You are going to see these children carrying  
10 banners, and as the banners come into view, the translation  
11 will appear up in the right hand corner.

12 Q. We first saw "Quran is our" -- do you recall what it said  
13 a moment ago?

14 A. "Quran is our constitution," I think, or some form of  
15 that.

16 Q. And "jihad is our path"?

17 A. Correct.

18 Q. Have we seen that phrase, or at least this being part of  
19 a larger phrase, in the evidence in this case?

20 A. In the evidence in this case we have seen it.

21 Q. Where?

22 A. In the Hamas charter.

23 Q. Agent Burns, where he says, "Who are deported from it in  
24 Marj al-Zahour," is that the deportation you testified earlier  
25 about in Lebanon?

1 A. It is.

2 Q. Khalid al-Kuka, is he on your schedule?

3 A. He is.

4 Q. Ahmad Bhar, is he on your schedule?

5 A. He is.

6 Q. You testified about him already?

7 A. Yes. He was the one identified in the fax as one of the  
8 Hamas leaders.

9 Q. Hamad al-Hassanet, is he on the schedule for the Islamic  
10 Society of Gaza?

11 A. He is.

12 Q. Muhamad Barud, is he on the schedule?

13 A. He is.

14 Q. Ismail Haniya, is he on the schedule for the Islamic  
15 Society of Gaza?

16 A. He is.

17 Q. Have we seen him elsewhere in this case?

18 A. Yes. In one of the videotapes that we played of the  
19 deportees, he was one of the individuals that was chatting and  
20 identified on that tape. He is also on your Hamas leader  
21 chart.

22 Q. Demonstrative No. 17?

23 A. Yes.

24 Q. I won't pull that one out again.

25 MR. JONAS: If we can go back to the schedule.

1 Q. (BY MR. JONAS) Khalil al-Kuka, you identified him twice.  
2 I believe his name was mentioned in the Philadelphia Meeting  
3 No. 13, the clip we played, as well as that last clip?

4 A. Yes.

5 MR. JONAS: If we can go to HLF Search No. 109, page  
6 143, please.

7 Q. (BY MR. JONAS) Do you see Khalil al-Kuka's name anywhere  
8 in the document?

9 A. I do. It says -- I am trying to figure out where to  
10 start reading. "It started those by deporting one of the most  
11 renowned preachers in the Gaza Sector."

12 Q. If you could slow down, please.

13 A. I am sorry. And I should probably start reading from  
14 above that. It says, "The occupation authorities, political,  
15 administrative, and security apparatuses intensified their  
16 scrutiny of Hamas. They worked through their agents and eyes  
17 to collect as much information as possible, through which they  
18 could reach the suitable way to deal with this movement. This  
19 does not mean that the enemy during this stage has been lax in  
20 dealing with Hamas and ignored its moving and effectiveness,  
21 but it worked while monitoring it to deal preventative blows  
22 to it. It started those by deporting one of the most renowned  
23 preachers in the Gaza Sector, sheikh Khalil al-Kuka, and  
24 followed that a few months later by deporting 21 members of  
25 the teaching staff of the Islamic University of Gaza." And it

1 goes on.

2 Q. Okay.

3 MR. JONAS: Let's go back to the schedule, please.

4 Q. (BY MR. JONAS) The next person there is Hamad  
5 al-Hassanet. Was his name mentioned in the clip from the  
6 summer camp that we just played?

7 A. Yes.

8 Q. Is there another video that he appears on?

9 A. Yes, there are two.

10 Q. Okay. We are going to play one of them.

11 A. Okay.

12 MR. JONAS: HLF Search No. 70, if we can pull that  
13 up.

14 Q. (BY MR. JONAS) Agent Burns, I assume you have seen this  
15 video?

16 A. Yes.

17 Q. Can you just tell us -- First of all, where was this tape  
18 seized from?

19 A. This tape was seized from the HLF offices.

20 Q. And so I am clear, with this video, as with all the  
21 videos that have been played in this case, has the FBI changed  
22 the content in any way at all?

23 A. No. We only selected portions to play, but those  
24 portions are in tact as they were on the original tape.

25 Q. Okay. Where is this tape -- where does the tape take

1 place?

2 A. Let me add that we added the translations.

3 Q. Okay.

4 A. Okay? This tape takes place are during the deportations  
5 of the Marj al-Zahour deportees.

6 Q. Okay. Let's play the tape, please.

7 (Whereupon, HLF Search No. 70 was played, while  
8 questions were propounded.)

9 Q. (BY MR. JONAS) Agent Burns, just so we can orientate  
10 ourselves, this picture that is on the screen right now, is  
11 this from -- If you know, if you know, is this from the Marj  
12 al-Zahour deportation? Is this Lebanon?

13 A. No. This is the introduction, so this is not -- This was  
14 an introduction, and then it will go on to the area of Lebanon  
15 to where they were deported.

16 Q. Is this introduction telling you -- setting up what you  
17 are going to see?

18 A. Yes, it is about to tell you that it is an interview with  
19 the deported brothers.

20 Q. So when you identify what this tape is about, did you get  
21 that identification from the tape itself?

22 A. From the tape itself.

23 Q. Okay. Agent Burns, the individual on the left, who is  
24 that?

25 A. That is Abdel Aziz Rantisi, the Hamas leader on your

1 chart there.

2 Q. Okay. Agent Burns, the individual who is speaking, who  
3 was identified on the screen as Ghazi, Do you see that?

4 A. Uh-huh.

5 Q. Let me show you -- I am holding up HLF Search No. 87, the  
6 overseas speakers chart. Are you familiar with this document?

7 A. I am.

8 Q. Is his name on this document?

9 A. It is.

10 MR. JONAS: Your Honor, I am approaching the  
11 witness.

12 THE WITNESS: No. 25.

13 Q. (BY MR. JONAS) No. 25?

14 A. Yes.

15 Q. Agent Burns, did the FBI put that symbol on the screen?

16 A. No. That symbol was on the tape in its original form.

17 Q. Who is this individual?

18 A. This individual is Hamas al-Hassanat, who is one of the  
19 individuals on the chart that was identified in the previous  
20 video as a leader in the Islamic Society of Gaza.

21 Q. And he is on your schedule?

22 A. Yes.

23 Q. Okay. It says Islamic Society. Is that the same Islamic  
24 Society of Gaza that you are testifying about right now?

25 A. Yes.

1 Q. "He is the father of martyr Yasser al-Hassanat." Are we  
2 going to talk about his son a little bit later?

3 A. Yes.

4 Q. What is Izz el-Din al-Quassam?

5 A. That is the military wing of Hamas, and you saw that  
6 referenced when they were speaking of Yasser Hassanat, Hamad  
7 al-Hassanat's son, as well.

8 Q. Agent Burns, do you know who this individual is?

9 A. Aziz Dwaik.

10 Q. Is he involved in any of the zakat committees?

11 A. I don't have him listed on any of these zakat charts.

12 Q. Okay. Agent Burns, are there other individuals on this  
13 tape that are referenced in your zakat charts for other  
14 committees, not just the Islamic Society of Gaza?

15 A. Yes.

16 Q. Have we come across any others yet?

17 A. We have one I believe in the beginning. I can't remember  
18 exactly who it was, but I know we passed him.

19 Q. Okay. If you see any others that are going to be  
20 referenced later in your testimony that are on your schedules,  
21 let us know, we will pause it, and you can identify it. This  
22 way we don't have to play the clip for each schedule.

23 A. Okay.

24 This is one of those individuals.

25 Q. Who is this?



1 A. This is Jamal Mansour. He is referenced on the Islamic  
2 Relief Committee schedule.

3 Q. Did the HLF Give money to the Islamic Relief Committee?

4 A. Yes.

5 This is one of those individuals.

6 Q. And who is this?

7 A. This is Mohamed Fuad Abu Zeid of the Jenin zakat  
8 committee.

9 Q. Did the HLF give money to the Jenin zakat committee?

10 A. Yes.

11 Q. I take it he is 59 years old during this video?

12 A. Yes.

13 This is one of those individuals.

14 Q. Which committee is he affiliated with?

15 A. The Nablus zakat committee.

16 Q. Is your information as to where these individuals are  
17 associated with which committees, is that all coming from the  
18 evidence like we are seeing it on the tape now as they  
19 self-identify?

20 A. Yes. Here often they self-identify and identify which  
21 committee they are a part of, but once we get to those charts  
22 there is also other evidence listing those individuals and  
23 their connections to the committee.

24 Q. Okay.

25 A. This is one of those individuals.

1 Q. Which committee is he with?

2 A. With the Islamic Charitable Society of Hebron.

3 Q. Did the HLF give money to the Islamic Charitable Society  
4 of Hebron?

5 A. Yes.

6 Q. Agent Burns, do you see it says MAYA?

7 A. Yes.

8 Q. Muslim Arab Youth Association?

9 A. That is correct.

10 Q. Have we seen MAYA mentioned in this case before?

11 A. Yes. There is a videotape actually from this MAYA  
12 conference in late 1992 that has been addressed in this case.  
13 We have also seen it listed as part of the U.S. Muslim  
14 Brotherhood's organizations, and Shukri Abu Baker was linked  
15 to it on some of those documents that we looked at in my first  
16 testimony.

17 Q. Okay. Who is Mahmoud Zahar?

18 A. He is a Hamas leader in Gaza that is on your  
19 Demonstrative No. 17.

20 Q. Have we seen him in other videos in this case?

21 A. We saw him in the video from 1990 seated in the audience  
22 next to the Defendant Mohammad El-Mezain and Hamas leader  
23 sheikh Jamil Hamami.

24 Q. Is he referenced by any of the Defendants in that  
25 particular video?

1 A. He was. He was thanked by Shukri Abu Baker for  
2 attending.

3 Q. Who is Sheikh Mohammad El-Mezain?

4 A. That is the Defendant.

5 Q. On the screen it says brother Shukri Abu Baker. Who is  
6 that?

7 A. The Defendant Shukri Abu Baker.

8 Q. Who is Haitham Maghawri?

9 A. He was one of the HLF officers.

10 Q. Agent Burns, what does the Hamas charter say about peace  
11 initiatives?

12 A. They are opposed to any type of compromise or peace  
13 process with the Israelis.

14 Q. Do you recognize who is speaking?

15 A. I do.

16 Q. Who is that?

17 A. That is Hamas leader Mahmoud Zahar.

18 Q. Is he also on Demonstrative No. 17, the Hamas leaders  
19 chart?

20 A. Yes.

21 Q. Agent Burns, did you see in that second clip where  
22 Ghazi--or the third clip, I can't remember--was referring to  
23 traveling around the United States at the request of the Holy  
24 Land Foundation?

25 A. Yes.

1 Q. And in that clip you saw the symbol of Hamas on the clip?

2 A. Yes.

3 MR. JONAS: If we can turn to Baker Declaration,  
4 page 2, please. Enlarge the middle.

5 Q. (BY MR. BAKER) What does Shukri Baker say in his sworn  
6 statement in the first line of paragraph 7?

7 A. In his sworn statement he says, "Neither I nor to my  
8 knowledge any of the other founders of this charity have had  
9 any connection whatever to Hamas, or to any terrorist groups,  
10 or to terrorism. I do not believe that suicide bombing is  
11 countenanced by the Islamic religion. I have always opposed  
12 radicalism. I have always been for dialogue and for peace,  
13 and I am firm in these convictions. I am confident that the  
14 other founders of the Holy Land Foundation feel the same way.  
15 Our objective was, and has always been, simply to alleviate  
16 suffering in Palestine and elsewhere."

17 MR. JONAS: Go back to the chart for Islamic Society  
18 of Gaza. Enlarge the top, please.

19 Q. (BY MR. JONAS) We didn't discuss any exhibits supporting  
20 Ismail Haniya, but have we seen his name several times in your  
21 testimony this morning?

22 A. Yes, we have.

23 MR. JONAS: We will move on to the general committee  
24 section of this chart. If we can turn to HLF Search No. 85,  
25 page 3, please.

1 Q. (BY MR. JONAS) What is this item?

2 A. This is a thank you letter from the Islamic Society of  
3 Gaza to the Holy Land Foundation dated December 24th, 1999.

4 Q. Was this after or before Hamas was designated as a  
5 terrorist organization by the United States?

6 A. This was after.

7 MR. JONAS: If we can go to El-Mezain Wiretap No. 1,  
8 page 150, please.

9 Q. (BY MR. JONAS) Is there anything in here referencing  
10 anyone from the Islamic Society of Gaza or the committee  
11 itself?

12 A. Yes.

13 Q. And what is that?

14 A. Hold on. I think it is at the top up above where it says  
15 "Palestinian sources in the Gaza Strip said that Palestinian  
16 police continued its arrest campaign in the ranks of Hamas  
17 Movement. Sources from the town of Jabalia near the city of  
18 Gaza said that members of the police arrested Dr. Muhammad  
19 Shihab from the Hamas Movement who also heads of the Islamic  
20 Society in town."

21 Q. Is Shihab on your list?

22 A. No.

23 Q. Is that the same Islamic Society that you have been  
24 testifying about?

25 A. It is. And actually it is the same branch, the Jabalia

1 branch. They had little field offices, and it is that same  
2 branch that we saw in the previous letter.

3 Q. Okay. Finally, Agent Burns, I am not going to replay  
4 this, tape but in the Philadelphia Meeting No. 13 that we  
5 played --

6 A. Yes.

7 Q. -- Was the Islamic Society mentioned?

8 A. It was.

9 Q. Okay.

10 MR. JONAS: May I have the elmo real quick?

11 Q. (BY MR. JONAS) Do you see where I am highlighting?

12 A. I do.

13 Q. That is the Islamic Society?

14 A. Yes.

15 Q. Thanks.

16 Are you ready to move on to another schedule.

17 A. Okay.

18 Q. Are you familiar with an organization called the al-Salah  
19 Society?

20 A. I am.

21 Q. Did the HLF make payments to the al-Salah Society?

22 A. They did.

23 MR. JONAS: If we can get that chart on the screen,  
24 please, Payments to al-Salah.

25 Q. (BY MR. JONAS) Agent Burns, when is the first payment

1       that the HLF made to the al-Salah Society?

2       A.     November 2 3rd, 1992.

3       Q.     When is the last date?

4               MR. JONAS:   If we can go to the next page.

5               THE WITNESS:   March 3rd, 1999.

6       Q.     (BY MR. JONAS)   How many transactions were there after  
7       Hamah became designated as a specially designated terrorist in  
8       1995?

9       A.     Through bank records I was only able to track one.

10      Q.     Did you come across any evidence that we are going to  
11      talk about that there were additional transactions that you  
12      were not able to find financial transactions supporting?

13      A.     Yes.

14      Q.     Okay.   How much in total did the HLF pay to the al-Salah  
15      Society?

16      A.     The payments we were able to track through the bank  
17      records were \$234,022.

18               MR. JONAS:   Let's look at HLF Bank Account No. 1,  
19      page 414.   And look at the transaction on May 20th, 1994 for  
20      \$13,500.   Before we go there, if you can go back to the last  
21      page, since you pulled it up.

22      Q.     (BY MR. JONAS)   Agent Burns, what is this document?

23      A.     This is part of -- the signature card for one of the  
24      HLF's bank accounts at Bank One.

25      Q.     Who are the signatories on this?

1 A. The Defendants Ghassan Elashi and Shukri Abu Baker.

2 Q. Okay.

3 MR. JONAS: If we can go to page 414, please.

4 Q. (BY MR. JONAS) Does this page anywhere reference a  
5 payment to al-Salah?

6 A. This indicates the wire transfer.

7 Q. Okay.

8 MR. JONAS: If we can go back to the payment  
9 schedule, please.

10 Go a back to HLF Foreign Account No. 1, page 483, please.  
11 I apologize. It is HLF Bank Account No. 1.

12 Q. (BY MR. JONAS) And Agent Burns, what is the difference  
13 between HLF Bank Account No. 1 and HLF foreign account?

14 A. HLF Bank Account No. 1 would be from an HLF bank account  
15 in the United States, and we have that chart showing exactly  
16 which bank that would be from. And a foreign account  
17 obviously would be one of its bank accounts in the  
18 territories.

19 MR. JONAS: I am going to move on. Can we pull up  
20 the al-Salah Society schedule; not the payment schedule.

21 Q. (BY MR. JONAS) Okay. Agent Burns, you only have one  
22 individual listed on this schedule.

23 A. Yes.

24 Q. Why is that?

25 A. Because that was the primary individual with whom the HLF



1       dealt in this committee.

2       Q.     Okay.

3               MR. JONAS:   Can we pull up HLF Search No. 157, page  
4       4, please?

5       Q.     (BY MR. JONAS)   What is this document?

6       A.     This is a letter from Ahmad al-Kurd of the al-Salah  
7       Society to the HLF, thanking them for their assistance and  
8       services.   And it is dated June 13th, 1999.

9       Q.     Did you find any documents to support this payment, any  
10      documents within the HLF search warrant material, InfoCom  
11      search warrant material, or anything else?

12      A.     I could not link this specifically to a transaction  
13      through the financial records from the United States.

14      Q.     Were you able to link this through records from overseas  
15      bank accounts?

16      A.     No.

17      Q.     Other than this letter, do you know -- was there any  
18      evidence to show that this transaction actually happened?

19      A.     Not that I and the IRS agents found.

20      Q.     And al-Kurd who signs it, is that the al-Kurd that is on  
21      the schedule for al-Salah Society?

22      A.     It is.

23               MR. JONAS:   If we can turn to InfoCom Search No. 90,  
24      page 4, please.

25      Q.     (BY MR. JONAS)   What is this document?

1 A. This is a project report. This is the second page. The  
2 document was originally in Arabic, and it was two pages in  
3 Arabic and two pages of translation. This is the second page  
4 of the translation just showing that the letter from al-Salah  
5 you can see at the bottom was signed by the person in charge  
6 Ahmad al-Kurd, the same individual on this chart, and the  
7 date, and he was listed as chairman of the association.

8 Q. Did you come across any evidence that you testified about  
9 that connects al-Salah to Hamas?

10 A. Yes.

11 MR. JONAS: If we can turn to El-Mezain Wiretap  
12 No. 1, page 80, please.

13 Q. (BY MR. JONAS) Is al-Salah referenced here?

14 A. It is in the last paragraph on this page.

15 Q. What does it say about this?

16 A. It says, "Al-Salah Islamic Society in the Gaza Strip  
17 announced it will sponsor families and victims of the bloody  
18 confrontations which took place in the Gaza Strip this  
19 November 18th. Sheikh Ahmad al-Kurd, head of the Society,  
20 said that his association decided to sponsor the children of  
21 all martyrs killed during the events of sad Friday. Al-Kurd  
22 also pointed out that his society supports hundreds of  
23 families of martyrs. It is worth mentioning that the Society  
24 is closely associated with the Hamas movement."

25 Q. And El-Mezain Wiretap No. 1, Who received that?

1 A. That was the Defendant Mohammad El-Mezain That was  
2 obtained from his fax.

3 MR. JONAS: If we can go to the top of the page,  
4 please.

5 Q. (BY MR. JONAS) What is the date of the fax?

6 A. November 27th, 1994.

7 Q. Was al-Salah Society mentioned in the Philadelphia  
8 meeting?

9 A. Yes.

10 Q. Any videotapes of al-Salah Society?

11 MR. JONAS: Actually, before we do that, let's pull  
12 up HLF Search No. 102, page 7, please.

13 Q. (BY MR. JONAS) Agent Burns, what is this document?

14 A. This is a school backpack report showing that the Holy  
15 Land Foundation financed this project that was executed by the  
16 al-Salah Islamic association in the year 2000.

17 Q. Was this document before or after that fax to the  
18 Defendant Mohammad El-Mezain identifying al-Salah as being a  
19 part of Hamas?

20 A. Six years after the Defendant El-Mezain received the fax  
21 identifying the society as Hamas.

22 Q. Any videotapes of al-Salah Society, or referencing  
23 al-Salah Society.

24 A. Yes.

25 MR. JONAS: If we can play InfoCom Search No. 66.

1                   (Whereupon, InfoCom Search No. 66 was played, while  
2                   questions were propounded.)

3       Q.     (BY MR. JONAS)   Where it says al-Kurd, is that the  
4       individual identified on your chart as Ahmad al-Kurd?

5       A.     Yes.   Just before this there was a caption that announced  
6       that it was the al-Salah Society and Ahmad al-Kurd, and he is  
7       speaking here.

8       Q.     Do you know what year this videotape is from?

9       A.     I was not able to date this.

10      Q.     Agent Burns, did you notice a progression of  
11     payments -- Withdrawn.   The first two committees we talked  
12     about, the Islamic Center and the Islamic Society, both of  
13     Gaza, where are they located?

14      A.     They are in Gaza, as is the al-Salah Society.

15      Q.     Okay.   Did you notice a progression of payments coming  
16     from the HLF to these committees that we are talking about and  
17     will be talking about over a period of time?

18      A.     Yes.

19      Q.     Okay.   Can you explain what you noticed?

20      A.     In the beginning, in the very beginning we noticed that  
21     the payments were initially going to the Islamic Center of  
22     Gaza and to Gaza, in addition to one other organization in  
23     Israel.

24      Q.     Is that what you testified about in your first testimony  
25     when you pulled up those schedule of payments in the early

1 years of HLF 1988 and '89?

2 A. That is correct.

3 Q. Okay.

4 A. Then we noticed in approximately 1991 the HLF started to  
5 expand and send its money to certain committees in the West  
6 Bank as opposed to Gaza. We will talk about that or those  
7 committees in a little bit.

8 Q. Is there any evidence that we have seen or will be seeing  
9 that addresses that as not being a coincidence?

10 A. Yes.

11 MR. JONAS: If we can put up on the screen Elbarasse  
12 Search No. 22, please.

13 Q. (BY MR. JONAS) What is this document, Agent Burns?

14 A. This is a letter that was seized at the home of Ismail  
15 Elbarasse during that search warrant in like 2004, and it is a  
16 letter to Shukri from 1991, and it is in Arabic and the  
17 English translation is -- the individual is writing to Shukri  
18 about the zakat committees and the endorsed charitable  
19 organizations. And below it is a list of committees and a  
20 column called "percentage," which shows what amount of control  
21 they have over the committee, and then remarks.

22 Q. Okay. How are you able to date this document?

23 A. It is dated on top July 14th, 1991.

24 Q. Does this document identify the committees that the HLF  
25 gave financial support to that you have already testified

1 about in your payment section of your testimony?

2 A. It references those committees.

3 Q. How does this feed into what you testified about of the  
4 progression of payments starting with Gaza and then spreading  
5 to include the West Bank over time?

6 A. Taking into account this exhibit, as well as another  
7 exhibit from the Ashqar search that we will probably talk  
8 about in a minute, and the Philadelphia meeting that we have  
9 already discussed, these individuals were studying the  
10 committees and attempting to take control of them, and this  
11 document in 1991 --

12 MS. MORENO: Objection, Your Honor; improper  
13 opinion, "attempted to take control." There is no basis of  
14 that improper summary testimony.

15 THE COURT: Do you want to lay a predicate?

16 Q. (BY MR. JONAS) Agent Burns, when you are saying they are  
17 attempting to take control, where are you getting that from?

18 A. Based on the language and context within this document,  
19 within the document entitled Ashqar No. 5, or labeled Ashqar  
20 No. 5, and the Philadelphia meeting, where these individuals  
21 that are part of this Palestine Committee discuss what amount  
22 of control they have over these committees.

23 Q. Okay. Starting with this document, can you point to us  
24 where --

25 MS. CADEDDU: In which case, I object as an improper

1 expert testimony.

2 THE COURT: Overrule that objection, and overrule  
3 the previous objection by Ms. Moreno.

4 Q. (BY MR. JONAS) Can you point to us where in this  
5 particular document it says that?

6 A. We can take, No. 1, for example, where it says, "Ramallah  
7 zakat committee, all of it is ours."

8 Q. Okay. And where does it say about taking control of the  
9 committees in here?

10 A. Well, by the context it says, like under Bethlehem zakat,  
11 "we have 7 out of 11, and it includes the individuals' names.  
12 And then if you scroll on down, there will be a committee that  
13 says, "We have nobody in it."

14 Q. Okay.

15 A. And then under Qalqilya it says, "All of it is ours, and  
16 it is guaranteed."

17 Q. Will we come back to this document?

18 A. Yes.

19 MR. JONAS: Next page, please.

20 THE WITNESS: And, for example, under No. 13, under  
21 Bir Nibalah zakat it says, "Guaranteed, trustworthy, and we  
22 have the final word in it."

23 Q. (BY MR. JONAS) Okay. So how do you go from this  
24 document to they, being Hamas, was trying to take over the  
25 committees?

1 A. Well, this document was from 1991.

2 Q. Right.

3 A. The document Ashqar No. 5 was from 1988, which shows --

4 MR. JONAS: Let's go to Ashqar No. 5. If we can get  
5 it on the screen, please.

6 Q. (BY MR. JONAS) And we may be doing this in reverse  
7 order.

8 A. It is important to look at these in the chronological  
9 order, this document being the earlier one from, based on the  
10 content, around '88, '89.

11 Q. Okay.

12 MR. JONAS: Next page.

13 Q. (BY MR. JONAS) It is in Arabic, obviously?

14 A. Yes, it is.

15 MR. JONAS: Keep going to the English, please.

16 MS. CADEDDU: Your Honor, can we have a continuing  
17 objection to improper expert testimony, please?

18 THE COURT: You may have that, and that is  
19 overruled.

20 Q. (BY MR. JONAS) Where is this document talking about the  
21 committees?

22 A. I believe it is around page 20 for the reference. Yes,  
23 here it is.

24 MR. JONAS: May I approach?

25 THE COURT: Yes.



1           THE WITNESS: Thank you. And just -- The first page  
2 indicates that this is a work paper on rearranging the frame  
3 of the work inside. And the document talks about various  
4 items dealing with the inside, including items and Hamas.

5           Under this section on page 20 it is entitled "social and  
6 charitable work," and it says, "This work is considered the  
7 Movement's pulse among the masses and its banner in solving  
8 their problems and alleviating their worries, as the enemy  
9 does not provide even the least minimum" --

10 Q. (BY MR. JONAS) I am sorry. Do you see on the page you  
11 are referring to on the screen?

12 A. Yes.

13 Q. Which portion of the page, so we can follow along?

14 A. I was just kind of giving the context in the first  
15 paragraph. I think you were asking me where the committees  
16 were listed, and they are just below.

17           And again this document, based on the content, can be  
18 dated around 88 to '89, so it is an early document. And it  
19 lists the committees and identifies how many people and what  
20 kind of presence they have in these committees.

21           And, for example, in Nablus it has two Islamists and the  
22 rest are dignitaries. The next one, it says, "The Islamic  
23 Charitable Society in Hebron, there is a decent Islamic  
24 presence in it." Under the Islamic Center of Gaza, "Its  
25 management is entirely in the hands of the Islamists, but the

1 Authority places hurdles in front of it."

2 The Islamic Society of Gaza, "Same thing as the Islamic  
3 Center." The Nablus zakat committee, "One of the brothers  
4 work in it and the rest are dignitaries." And it goes on,  
5 showing that they only had one or two people in these  
6 committees.

7 The same thing for Jenin zakat. It says, "Same as the  
8 previous," which is "two are supporters and the rest are  
9 dignitaries."

10 So if you look at what they are saying in this document,  
11 which is 1989 to 1989, and then you go to the document that we  
12 were just looking at from 1991 --

13 Q. Hold on. Let's pull that up.

14 MR. JONAS: Elbarasse Search No. 22, please.

15 THE WITNESS: According to what they say, "They have  
16 gained more control. All of it is ours." Under Jenin zakat,  
17 which in 1988 they only had two in, "This one is now  
18 guaranteed, by virtue of Mohammad Fuad Abu Zeid's position."  
19 So that is what I was talking about with the progression.

20 Q. (BY MR. JONAS) When did the Philadelphia meeting happen  
21 again?

22 A. In 1993, two years after this letter.

23 Q. And we played that -- Withdrawn. Did we play the portion  
24 of the Philadelphia meeting that addressed what you are  
25 referring to right now?

1 A. Yes. We played the part where Muin Shabib identified  
2 "our organizations," is what he said.

3 Q. So based upon these documents and what Muin Shabib says  
4 at the Philadelphia meeting, were you able to track a  
5 progression of control over some of these committees?

6 A. Yes.

7 Q. Okay. And from that did you look at the HLF payments to  
8 these committees and see a correlation in where the payments  
9 were going?

10 A. Yes.

11 Q. And what was that correlation?

12 A. It was that in approximately 1991, the year that this  
13 letter came out, the HLF -- we began seeing payments from the  
14 HLF to some of these committees in the West Bank, including  
15 the Jenin zakat committee that is listed as guaranteed here.

16 Q. Okay. We will talk more about the Jenin zakat committee,  
17 then.

18 MR. JONAS: If we can put on the screen the schedule  
19 labeled "Payments to Jenin Zakat Committee." Enlarge the top,  
20 please.

21 Q. (BY MR. JONAS) Agent Burns, when was the first payment  
22 to the Jenin zakat committee?

23 A. May 1st, 1991.

24 Q. And who made those payments or who authorized those  
25 payments?

1 A. The Defendants Ghassan Elashi and Shukri Abu Baker.

2 MR. JONAS: If you can scroll through the schedule,  
3 please.

4 Q. (BY MR. JONAS) Did the HLF continue making payments to  
5 the Jenin zakat committee after Hamas was first designated as  
6 a specially designated terrorist organization?

7 A. Yes.

8 Q. Did they continue making payments after Hamas was again  
9 designated by the U.S. Government as a foreign terrorist  
10 organization?

11 A. They did.

12 Q. Agent Burns, when was the last payment to the Jenin zakat  
13 committee?

14 A. October 11th, 2001.

15 Q. How much in total did the HLF pay to the Jenin zakat  
16 committee?

17 A. We identified \$554,500.

18 Q. Do you see on this page that three of the four  
19 transactions only have one supporting documentation to show.

20 A. Yes.

21 Q. Can you explain that?

22 A. Well, the supporting documentation in those transactions  
23 came from the HLF foreign bank records that we received  
24 showing payments out of the HLF's foreign bank account in the  
25 territories to the Jenin zakat.

1 Q. And again, if you didn't have those foreign bank records,  
2 would you have been able to locate -- Based upon the evidence  
3 you gathered in the United States, were you able to identify  
4 this transaction?

5 A. Based on what we looked at, we did not find those  
6 transactions in the information that we had over here.

7 Q. Do you see the transaction marked June 14th, 2001 as the  
8 second one from the top?

9 A. Yes.

10 Q. There is a tab on the far right. Can you remind us what  
11 that is?

12 A. That means that that particular transaction is referenced  
13 in the indictment in Count 1, Overt Act No. 8.

14 Q. And that particular transaction also has two numbers next  
15 to it?

16 A. Yes.

17 Q. The amount and amount to Jenin can you explain what that  
18 is again?

19 A. Well, that means that the first amount listed was the  
20 total wire transfer that was transferred from the Holy Land  
21 Foundation bank account here in the U.S. to the HLF foreign  
22 bank account at the Cairo Amman Bank and that we were able  
23 through the records to trace \$4,412 of that money to the Jenin  
24 zakat.

25 Q. Of the \$192,000 wire?

1 A. Correct.

2 Q. Cairo Amman Bank, do you know where the branch was that  
3 the HLF had their account?

4 A. It was either in Gaza or Hebron, I believe. It was  
5 somewhere in Gaza or the West Bank.

6 Q. Not in Cairo, Egypt?

7 A. No.

8 Q. Okay.

9 MR. JONAS: Let's pull up HLF Search No. 36, page  
10 188, please.

11 Q. (BY MR. JONAS) Let's look at the documents supporting  
12 that transaction. What is this document? Does this relate to  
13 this transaction?

14 A. I think we are waiting on the page to be pulled up.

15 MR. JONAS: HLF Search No. 35. I am sorry. I  
16 couldn't read the number on the screen. My fault, Your Honor.

17 THE WITNESS: It is No. 35.

18 MR. JONAS: HLF Search No. 35, page 186. That is  
19 better.

20 Q. (BY MR. JONAS) How does that -- What is this document  
21 and how does it relate to the transaction?

22 A. This is part of the internal documentation that goes to  
23 support that \$192,403 wire transfer. There were a number of  
24 these requests for transfer of funds found at the Holy Land  
25 Foundation which tended to show where the money was destined,

1 and you often have to add them up to come to the total.

2 MR. JONAS: Can we go to HLF Foreign Account No. 6,  
3 page 44, please?

4 Q. (BY MR. JONAS) Agent Burns, on the schedule it says HLF  
5 Foreign Account No. 6, page 44. If we go to that in the hard  
6 copy, would that support that transaction as well?

7 A. Yes.

8 MR. JONAS: Let's go to the Jenin zakat committee  
9 schedule, not the payments to, the other schedule.

10 Q. (BY MR. JONAS) There is a lot of names on this one.

11 A. Yes.

12 Q. Can you identify for us who are the members of the  
13 committee based on the evidence in this case?

14 A. The individuals that we identified that were important in  
15 this committee were Fawaz Hamad, Zeid Zakarneh, Ahmed Salatna,  
16 Mohamed Fuad Abu Zeid, Adeeb Aboushi, Ziyad Abdel Ghani Issa,  
17 Walid Jarrar, and Naser Yusef.

18 Q. Okay. I am not going to start with the first one, Fawaz  
19 Hamad. I am going to jump to the middle. It doesn't mean I  
20 am not going to get to Fawaz Hamad, but I want to start with  
21 someone else. Let's start with Mohamed Abu Zeid.

22 MR. JONAS: Let's look at InfoCom Search No. 30,  
23 page 10, please.

24 Q. (BY MR. JONAS) What is this document?

25 A. This is a letter from Fawaz Hamad, who is also on the

1 schedule, and it is a letter to the Defendant Mohammad  
2 El-Mezain regarding the Jenin zakat committee and its  
3 hospital, and the members of the hospital board and the zakat  
4 committee board.

5 Q. Okay. And is Mohamed Abu Zeid listed anywhere in this?

6 A. Yes. He is listed toward the bottom of page 10 as No. 1,  
7 the board of directors for the hospital, which is the Jenin  
8 zakat committee's hospital is Sheikh Mohamed Fuad Abu Zeid,  
9 chairman, deportee brother. And as we saw in the previous  
10 deportee tent he was the 59-year-old, and had the head dress.

11 Q. Okay. Is there anyone else in this listing here that is  
12 on your schedule, just so we don't have to keep going back to  
13 this document?

14 Yes. You have No. 1, Mr. Abu Zeid; No. 2, Zeid  
15 Zakarneh; No. 3, Adeeb Aboushi; No. 4, Walid Jarrar; and if  
16 you are scroll to the next page there may be another. I will  
17 have to check. No. 9, Fawaz Hamad; and No. 10, Ziyad Abdel  
18 Ghani, which is Ziyad Abdel Ghani Issa.

19 Q. No. 10, Ziyad Abdel Ghani, where it says deportee  
20 brother, did we see him in -- We will call that that tent  
21 video where they sat around the tent and identified  
22 themselves. For reference it is HLF Search NO. 70 for the  
23 record, but for our conversation here, if you will just call  
24 it the tent video. In that tent video, was he in that?

25 A. No, but he was in that list of deportees we identified as



1 coming from InfoCom.

2 Q. Okay. Okay. Staying with Mohamed Abu Zeid, did we see  
3 him mentioned in another video?

4 A. Yes.

5 MR. JONAS: What I would like to play is the video  
6 MAYA conference. If we can play Clip F, starting at the  
7 four-minute mark.

8 (Whereupon, MAYA Conference Video, Clip F at 4  
9 minutes was played, while questions were  
10 propounded.)

11 Q. (BY MR. JONAS) Who is this individual?

12 A. This is Hamas leader Khalid Mishal, and this is taking  
13 place at the MAYA conference in 1992 that was discussed in  
14 that tent video.

15 Q. It says Sheikh Mohamed Fuad Abu Zeid. Is that part of  
16 what you are referring to, part of the Jenin zakat committee?

17 A. Yes.

18 MR. JONAS: That is enough. Let's look at HLF  
19 Search No. 109, page 142.

20 Q. (BY MR. JONAS) Is Mohamed Abu Zeid mentioned in this?

21 A. Is this -- It should be HLF Search No. 109, page 142.

22 Q. What is HLF Search No. 109, agent Burns?

23 A. It is the book about Hamas that came from the Defendant  
24 Abdulrahman Odeh's office that we have referenced several  
25 times, and he is mentioned in that and he is mentioned in that

1 translation.

2 MR. JONAS: It could be page 143.

3 Q. (BY MR. JONAS) Where do you see his name?

4 A. In the paragraph it says, "The occupation authorities  
5 also arrested many ranking personalities and figures and  
6 sentenced them to various administrative sentences. The most  
7 ranking among those are," and the first person listed is  
8 Sheikh Mohamed Fuad Abu Zeid.

9 Q. What is the subject matter of this book?

10 A. It is a study of Hamas.

11 Q. Okay.

12 MR. JONAS: Elbarasse Search No. 22, please.

13 Q. (BY MR. JONAS) Remind us what this document is.

14 A. This is the letter to Shukri from 1991 analyzing the  
15 breakdown of the committees.

16 MR. JONAS: Page 40, please.

17 THE WITNESS: And under Jenin zakat, you can see  
18 there No. 3. It says, "It is guaranteed by virtue of Mohamed  
19 Fuad Abu Zeid's position, and that is the same individual that  
20 we saw in the tent video and we saw reference by Khalid  
21 Mishal.

22 Q. What committee is that referencing?

23 A. The Jenin zakat committee.

24 Q. That is the one we are talking about now?

25 A. That is correct.

1 MR. JONAS: Let's go back to that schedule.

2 Q. (BY MR. JONAS) Let's now go back to the name on the far  
3 left, Fawaz Hamad.

4 A. Okay.

5 Q. Let's look at what connects him to the committee.

6 MR. JONAS: InfoCom Search No. 93 page 2, please.

7 Q. (BY MR. JONAS) What is this document?

8 A. This is a letter from the Tulkarem zakat to the HLF  
9 through their respectable representative in the Jenin zakat  
10 committee Mr. Fawaz Hamad.

11 Q. Did Fawaz Hamad wear two hats?

12 A. Yes.

13 Q. What do I mean when I say two hats?

14 A. He had two jobs, basically, in this context.

15 Q. What were those two jobs?

16 A. He was a representative of the Jenin zakat committee and  
17 he was also the HLF representative in Jenin area.

18 Q. Does this letter on the screen now, InfoCom Search No.  
19 93, which job does this reference?

20 A. His job with the Jenin zakat committee.

21 Q. Okay.

22 MR. JONAS: If we can go to HLF Search No. 160, page  
23 69, please.

24 THE WITNESS: I believe this is the Arabic.

25 MR. JONAS: Next page.

1 Q. (BY MR. JONAS) And what does this say?

2 A. This is a letter and it refers to Fawaz Hamad as a  
3 representative of the HLF.

4 Q. Is this where you are getting, or a letter like this is  
5 where you are getting the connection?

6 A. This, among other things.

7 Q. His other job to the HLF?

8 A. Yes.

9 Q. Okay.

10 MR. JONAS: InfoCom Search No. 30, please.

11 Q. (BY MR. JONAS) We have seen this document before.  
12 Correct?

13 A. Yes, we just looked at a very small portion of it.

14 Q. How does this relate to Fawaz Hamad?

15 A. This is a letter from him, and you see at the top of  
16 page 8 the translation. It is addressed to brother Abu  
17 Ibrahim, who is the Defendant Mohammad El-Mezain. And in this  
18 letter you can see he discusses the Jenin zakat's hospital as  
19 well as the Jenin zakat and their board members, as you go  
20 through it.

21 Q. Is this what we looked at a moment ago to identify  
22 Mohamed Abu Zeid as well as other Jenin zakat members?

23 A. Yes, but I think we wanted to look at a couple of more  
24 pages in it.

25 Q. Okay.

1 A. Here on this page 9 he is still talking about the zakat  
2 committee's hospital, and he has noted individuals at the  
3 bottom who are current employees, and then he identifies them  
4 as Islamists or a returning deportee, supports the Islamic  
5 block, things like that. He has actually broken them down by  
6 what they are.

7 Q. Agent Burns, did you come across any evidence that would  
8 explain why the hospital needs to know whether the doctors are  
9 Islamists or not?

10 A. No.

11 MR. JONAS: The next page, please.

12 Q. (BY MR. JONAS) This is the page we looked at before?

13 A. It is, identifying again the hospital board, and it  
14 identifies them as Islamists.

15 MR. JONAS: Let's go to Ashqar search --

16 Q. (BY MR. JONAS) I am sorry. Go ahead.

17 THE WITNESS: There were a couple of more pages I  
18 think that --

19 MR. JONAS: If we can go back to that, InfoCom  
20 Search No. 30. Sorry. I jumped the gun.

21 THE WITNESS: And if you scroll through to the next  
22 page, he starts talking about the actual members of the  
23 committee itself; again, most of the same individuals. And he  
24 identifies whether they are Islamists. One of the individuals  
25 listed is No. 12 Abdel Qader Azzam, who is listed here as the

1 brother of martyr Abdullah Azzam.

2 Q. Have we seen Abdullah Azzam in this case?

3 A. Yes. He was the individual seen on the videotapes where  
4 the HLF ads were playing. He was the Palestinian martyr. He  
5 was also in that Illa Falistine that we saw where his  
6 martyrdom was announced.

7 If you scroll again to the next page.

8 MR. JONAS: Go back to the bottom again.

9 Q. (BY MR. JONAS) What does that last few lines say?

10 A. "Generally speaking, there is a control by the brothers  
11 of the zakat committee and matters run as they wish. The  
12 committee's chairman is very sympathetic to Islamists'  
13 requests, and no one is hired without consulting to the  
14 brothers."

15 And if you scroll again to the next page, he goes on to  
16 describe the future of the charitable organizations. And I  
17 won't bore you with reading all of it.

18 If you scroll to the next -- Actually go back to the  
19 previous page just for a second. At the bottom he says, "I  
20 expect that Arafat will try to build bridges of trust with the  
21 opposition in the beginning of the self-rule and will avoid  
22 confrontation due to his occupation with internal conflicts,  
23 the strength of the opposition, and the deep family roots in  
24 Palestine which will make it hard for him to strike the  
25 Islamists as it is happening in Egypt."

1           If you go on to the next page, at the top he says,  
2       "Therefore exaggerated fear is not desirable and work ought to  
3       be done with the same strength but with more logic. In that  
4       respect, a number of projects could be carried out under  
5       national companies whereby a number of brothers obtain a  
6       license for health, productive, or educational projects, and  
7       they are not under the Authority. This is in regards to  
8       Hammas' money which does not come from official  
9       organizations."

10           MR. WESTFALL: What year is that?

11       Q.     (BY MR. JONAS) Do you know the year this document was  
12       created?

13       A.     Based on the content, it is discussing the upcoming  
14       self-rule, so it is around the time of the signing of Oslo.

15           MR. DRATEL: And that would be?

16           THE WITNESS: 1993.

17           If you look actually at the last paragraph, it says, "The  
18       Accord the dead and stillborn, and that forward steps must be  
19       taken. The strength of the Islamists in the zakat committees  
20       in the Bank depends on the strength of the brothers in  
21       Jordan." Because he is referencing the Accord again, I would  
22       say that it happened in 1993.

23           MR. JONAS: Let's go to Ashqar Search No. 6, please,  
24       page 13.

25       Q.     (BY MR. JONAS) Again, we are talking about Mohamed Abu

1 Zeid for the moment?

2 THE COURT: Well, this looks like it is a good  
3 breaking point for lunch.

4 Lets's take a lunch break. Be back at 1:45.

5 (Whereupon, the jury left the courtroom.)

6 THE COURT: Anything else we need to address?

7 MS. CADEDDU: Yes, Your Honor. I just want to make  
8 something clear for the record. I want to renew and make sure  
9 I have preserved an objection under 403, 701, and 702 to Agent  
10 Burns testifying as she has been; and under 701, that would be  
11 improper lay opinion; 702, that she hasn't been qualified as  
12 an expert and lack of notice if she is going to testify as an  
13 expert. And the case law I would like to address the Court's  
14 attention to, the first case is *U.S. v. Lopez-Moreno*, 420  
15 F.3d, 420. That is Fifth Circuit 2005. And in that case  
16 Chief Judge King in a specially concurring opinion opined that  
17 a Government lay witness is dangerously close to evading  
18 strictures on lay testimony. The witness was a Border Patrol  
19 agent. And the Government asked whether based upon his  
20 training he could identify that passengers in a car were  
21 illegal aliens, and he opined that they were.

22 In *U.S. v. Garcia*, a DEA agent testified that in his  
23 opinion the Defendant was a partner in the charged conspiracy,  
24 and the testimony was found to be improper expert testimony in  
25 the guise of lay testimony because the agent was testifying



1 based on his specialized training and experience.

2 And then also *U.S. v. Castillo* was a case, 77 F.3d, 1480,  
3 Fifth Circuit 1996. In that case the Fifth Circuit said it is  
4 possible for a witness to be a summary expert and in that  
5 capacity to render an opinion about the underlying exhibits,  
6 but that in that case the witness was merely a summary witness  
7 and thus couldn't opine as to the underlying documents.

8 And then finally in *U.S. v. Brito*, 136 F.3d, 397, Fifth  
9 Circuit 1998, the Court disapproved testimony that the  
10 Defendants met a certain drug organization profile. And this  
11 is actually a slightly different objection, Your Honor. In  
12 this case the detective opined about how difficult it was to  
13 infiltrate a particular organization and that, therefore, it  
14 was hard to get evidence about particular facts. And I would  
15 object to Government witnesses testifying that it is difficult  
16 to -- Similar kinds of testimony that it is difficult to  
17 obtain evidence from overseas and so forth. And in *Brito* the  
18 Court said it is -- that that leads to the conclusion or it  
19 implies that the Defendants should be convicted on a lower  
20 standard of proof, that the Government should have a lower  
21 burden of proof, and that an instruction as to burden of proof  
22 is proper.

23 So I just wanted to put those into the record.

24 THE COURT: And assuming that those are timely, they  
25 are overruled. I don't know that you objected to all of that

1 at the time they were made. I have read some of those cases.  
2 They are clearly distinguishable from what we have going on  
3 here.

4 MS. CADEDDU: And I just want to make sure that we  
5 have a continuing objection on all those grounds.

6 THE COURT: Well, to the extent that they are  
7 talking about that, yes. If you have a specific objection,  
8 you need to make it. I am not going to give a continuing  
9 objection on broad grounds like that. You just need to object  
10 as to each particular one, because not all this testimony  
11 falls under this category.

12 MS. CADEDDU: I will make the appropriate objection.  
13 Thank you, Your Honor.

14 THE COURT: We will be in recess. Be back at 1:45.

15 (Lunch Recess.)

16 THE COURT: Mr. Jonas?

17 MR. JONAS: Thank you, sir.

18 MR. JONAS: If we can put the Jenin zakat summary  
19 schedule back on the screen, please.

20 Q. (BY MR. JONAS) Agent Burns, we had left off right before  
21 lunch with Fawaz Hamad, the first name on the left, but I want  
22 to go back to Mohamed Abu Zeid. There is something I forgot  
23 about.

24 A. Okay.

25 Q. What number is he; what name, on this column or row?

1 A. He is the fourth name.

2 Q. Just remind us, where did he we see him this morning when  
3 you testified about him?

4 A. He is the older gentleman in the tent video with the head  
5 dress who identified himself as the head of the Jenin zakat  
6 committee. He was also the individual who was referenced by  
7 Hamas leader Khalid Mishal at the MAYA conference as one of  
8 their people who had been deported. And he was also  
9 referenced in that UASR publication that was found in  
10 Abdulrahman Odeh's office that listed Hamas leaders, and he  
11 was one of them.

12 Q. Okay. Were there any videos of him, any additional  
13 videos of him that were seized by the FBI?

14 A. Yes.

15 MR. JONAS: If we can play InfoCom Search No. 7,  
16 clip D, please.

17 (Whereupon, InfoCom Search No. 7, Clip D was played,  
18 while questions were propounded.)

19 Q. (BY MR. JONAS) Is this the same individual you have  
20 identified as being part of the Jenin zakat committee?

21 A. Yes.

22 Q. Have you been able to date this particular tape?

23 A. No.

24 Q. Agent Burns, it looked like the audio and his mouth was  
25 moving were not synced. Did the FBI do that?

1 A. No. The tape was as it was.

2 Q. Okay. Getting back to Fawaz Hamad, he is the individual  
3 that you said had two jobs--one for the HLF as their  
4 representative and one on the Jenin zakat committee. We were  
5 going over some things identifying him, connecting him to the  
6 committee, and we had gone over one document, InfoCom Search  
7 No. 30, which talked about the hospital and Islamists members,  
8 or Islamists. Do you recall that?

9 A. Yes.

10 Q. Did the HLF receive anything indicating that he himself  
11 got into trouble with the law?

12 A. Yes.

13 MR. JONAS: If we can pull up Baker Wiretap No. 19,  
14 please. The next page.

15 Q. (BY MR. JONAS) What is this document?

16 A. This is a fax in Arabic from the al-Razi Hospital in  
17 Jenin, which is the Jenin zakat committee's hospital, dated  
18 February 21st, 1998.

19 Q. Okay.

20 MR. JONAS: Next page, please.

21 Q. (BY MR. JONAS) Is this a translation of that fax?

22 A. It is.

23 Q. And who is this addressed to?

24 A. It is addressed to the brothers in the Holy Land  
25 Foundation.

1 Q. This is marked as Baker Wiretap No. 19, so where was this  
2 sent to?

3 A. This would have been sent to Shukri Abu Baker. It may  
4 have been either at the HLF office or at home. I am not sure.  
5 I would have to check the phone number.

6 Q. Can you just read this document?

7 A. It says "Dear honorable and respectable brothers at the  
8 Holy Land Foundation, God's peace, mercy, and blessing be upon  
9 you.

10 "We ask that you send the following papers concerning my  
11 husband Fawaz Abd'al-Rahman Hammad who is presently detained  
12 the Israel.

13 "A certificate proving that Mr. Fawaz Abd'al'Rahman  
14 Hammad was working as an economic consultant for your projects  
15 with charitable legal organizations.

16 "A copy of the Holy Land Foundation licensing."

17 "A copy of the cancellation of the order to close down  
18 the Holy Land Foundation.

19 "These papers were requested by the attorney defending my  
20 husband because it seems that the matter is related to his  
21 work with you. We hope that you take care of this and send  
22 them quickly.

23 "May God reward you good.

24 "Your sister, Sumaia Hammad, Fawaz Hammad's wife."

25 Q. After this letter was sent in February of 1998, are there

1 additional calls that are listed in your schedule that  
2 indicate that he continued to work for the HLF after this  
3 date?

4 A. Yes. After he got out of prison he went to work with the  
5 HLF.

6 Q. How do you know that?

7 A. Based on documents and phone calls.

8 Q. And are those documents and phone calls listed in the  
9 Jenin zakat committee schedule under his name as exhibits?

10 A. Yes.

11 Q. Okay.

12 MR. JONAS: I want to go to Ashqar Search No. 6  
13 specifically page 13, please.

14 Q. (BY MR. JONAS) What is Ashqar Search No. 6, Agent Burns?

15 A. This is a list of names and phone numbers that was taken  
16 from the home of Abdel Haleem Ashqar in December of '93.

17 Q. And is Fawaz Hamad's name and phone number anywhere on  
18 this list?

19 A. It is.

20 Q. Where is that?

21 A. Well, it is down at the bottom, Fawaz Hamad.

22 Q. Have you looked at this phone list?

23 A. I have.

24 Q. Are there any other individuals on here that you already  
25 talked about?

1 A. Yes.

2 Q. Who?

3 A. Well, individuals that have been mentioned are one  
4 Dr. Soliman just above Fawaz Hamad. He is the individual with  
5 the Islamic Relief Committee that we talked about the other  
6 day. And I believe another individual is Ahmad al-Alami, the  
7 Hamas leader in Iran. And Jawad Hamad we saw referenced in  
8 context of the Palestinian Committee overseas during my first  
9 testimony.

10 Q. I want to stay with this phone list for a moment, but I  
11 want to step away from the Jenin zakat committee and ask you a  
12 question regarding this exhibit.

13 Are you familiar with someone named Steve McGonigle?

14 A. Yes.

15 Q. Were you here when he testified in this trial?

16 A. No.

17 Q. Are you familiar with his testimony, though?

18 A. Yes.

19 Q. Are you familiar that he traveled over to --

20 MR. DRATEL: Objection, Your Honor.

21 MR. JONAS: I am trying to lay a foundation to get  
22 to this document.

23 THE COURT: He can lay a foundation. He didn't get  
24 into what he said yet. Go ahead and ask this question.

25 MR. DRATEL: He prefaced by saying "It is his

1 testimony that" --

2 THE COURT: He hasn't gotten there yet, counsel.  
3 Let's see where he is going.

4 Q. (BY MR. JONAS) Are you aware Steve McGonigle traveled to  
5 Gaza to do a story on the Holy Land Foundation?

6 MR. DRATEL: Objection as to hearsay.

7 THE COURT: She may answer yes or no.

8 THE WITNESS: Yes, I am.

9 Q. (BY MR. JONAS) Are you aware of an individual who met  
10 Mr. McGonigle to accompany him and set up interviews for him  
11 and act as a translator for him.

12 MR. DRATEL: Same objection, Your Honor?

13 MS. MORENO: Objection; hearsay and leading.

14 THE COURT: Overruled. Go ahead.

15 THE WITNESS: Yes, I am.

16 Q. (BY MR. JONAS) Do you see that individual's name on --  
17 Have you seen that individual's name in this exhibit?

18 A. Yes.

19 MR. JONAS: If you can turn to page 11, please.

20 Q. (BY MR. JONAS) Where is that name?

21 A. The second name on the list, Taher Shretah.

22 MS. HOLLANDER: Your Honor, as to this testimony I  
23 would also like to object under 701 and 702 specifically.

24 THE COURT: Overruled.

25 Q. (BY MR. JONAS) Have you seen Taher Shretah's name in any



1 other document seized by the FBI?

2 A. Yes.

3 MR. JONAS: If we can turn to Elbarasse Search  
4 No. 24, page 3, please.

5 Q. (BY MR. JONAS) Where do you see his name?

6 A. I see it here. If you go down the list the names of the  
7 individuals we have talked about above, and then Taher  
8 Shreiteh (Gaza). And if you could scroll up just a little  
9 bit, I would like to see the whole document.

10 MR. JONAS: Can you enlarge the top half?

11 Q. (BY MR. JONAS) Do you see any other names of people that  
12 have been discussed in this case that you have testified  
13 about?

14 A. Yes. Jamal Mansour was one of the individuals on that  
15 list of the deportees where we saw the Hamas symbols flashing  
16 on and off. Dr. Soliman is with the Islamic Relief Agency.  
17 We have talked about -- Bassam Jarar is one of the individuals  
18 listed in that Middle East Affairs Journal as a Hamas leader,  
19 HLF Search No. 109. Mahmoud Romhi we will talk about later,  
20 as well as Hashem Natsheh. Dr. Aziz Dweik was also one of the  
21 individuals who was one of the deportees in that tent video  
22 where you saw the Hamas symbol flashing. He was also an HLF  
23 speaker. And then Mahmoud Zahar is Hamas leader in Gaza on  
24 your chart.

25 And if you could expand out, you can see, again we have

1 Ahmad Bhar. We identified him as part of the Islamic Society  
2 of Gaza earlier today. He is one of the individuals that was  
3 identified in the faxes to Mohammad El-Mezain as being close  
4 to Hamas. Again, Ismail Haniyah, Hamas leader on your chart  
5 listed in several exhibits we have presented today. And then  
6 skip down three or four names and you have Taher Shreiteh.

7 MR. JONAS: Go back to the Jenin zakat committee  
8 chart, please.

9 Q. (BY MR. JONAS) The next name after Fawaz Hamad is Zeid  
10 Zakarneh.

11 MR. JONAS: And if we can go to Baker Wiretap  
12 No. 13, page 3, please.

13 Q. (BY MR. JONAS) What is this document?

14 A. This is a fax to the HLF Jerusalem office, and it  
15 identifies the names of the representatives of the committees  
16 that they are dealing with, and the date of the document is  
17 January 25th, 1997.

18 Q. Okay. And do you see Zaid Zakarnah's name on that  
19 document?

20 A. I do. He is listed under Jenin zakat committee, with a  
21 telephone, fax number, and then the person in charge is noted  
22 to be Sheik Zaid Zakarnah.

23 Q. Okay. And there are other committees listed as well?

24 A. Yes.

25 Q. Do you have this document listed under the individuals

1 who is identified on these committee charts that we are going  
2 to be speaking about shortly?

3 A. Yes. This document is referenced on a number of charts.

4 Q. Okay.

5 MR. JONAS: Let's go to Jenin Zakat Account No. 1,  
6 page 2.

7 Q. (BY MR. JONAS) This is one of the exhibits you have  
8 listed under Zeid Zakarneh on your chart.

9 MR. JONAS: Jenin Zakat Account No. 1.

10 Q. (BY MR. JONAS) Do you see Zeid Zakarneh's name there?

11 A. He is listed as Zaid Mahmoud Ahmad there. It is part of  
12 his name.

13 Q. Okay. Do you see -- Is he a signatory on the account?

14 A. Yes.

15 Q. This is an account for the Jenin zakat committee, but do  
16 you know what bank this account is from?

17 A. Arab Bank.

18 Q. Do you know where the branch of Arab Bank was located  
19 that the Jenin zakat committee had an account?

20 A. It shows an address in Jenin, so it was in the West Bank  
21 of the Palestinian territories.

22 Q. Do you know if any of the zakat committees had bank  
23 accounts in any other countries besides the West Bank and  
24 Gaza?

25 A. I have seen some.

1 Q. Where?

2 A. In the early years I know that Tulkarem, and one other of  
3 the zakat committees had an account in London for a little  
4 while.

5 Q. Okay. Let's go to the next name on the chart. Ahmed  
6 Salatna. Am I pronouncing it wrong?

7 A. I pronounce it Salatna, but my pronunciation may not be  
8 any better than yours.

9 Q. Okay. Let's see what connects him to the committee.

10 MR. JONAS: HLF Search No. 160, page 2, please.

11 Q. (BY MR. JONAS) What is this document?

12 A. If you go back to the Arabic version, page 1, or the  
13 original it will be easier for me to explain it.

14 This is a copy or a document that is very difficult to  
15 read. It has been a fax. But it is a fund transfer  
16 notification, and it shows for social dues to the Jenin zakat  
17 and an amount of money, what the money was supposedly allotted  
18 for, and the date. And then down below there is a space for a  
19 signature for the receipt. And as you can see on this  
20 receipt, there is only a signature in Arabic, so that is the  
21 portion that is translated on the following page. It is the  
22 signed portion of the receipt. So if you go to the  
23 translation on page 2 --

24 Q. Before we do that, where was this document taken from?

25 A. This was taken from the HLF office.

1 Q. Whose wire transfer is it?

2 A. The HLF wire transfer.

3 Q. To?

4 A. To the Jenin zakat committee.

5 Q. Okay. So one top half is in English; the bottom half is  
6 in Arabic?

7 A. That is correct.

8 Q. Is the actual paper document easier to read than what is  
9 on the screen?

10 A. It is. But it is not great either, because it was faxed.

11 Q. Okay. And now we are on the translation page. And how  
12 do you connect this to Salatna?

13 A. He signs the receipt on behalf of the Jenin zakat  
14 committee as office director.

15 Q. Okay.

16 MR. JONAS: If we can go back to the Jenin zakat  
17 schedule.

18 Q. (BY MR. JONAS) The next person is Adeeb Aboushi. Is  
19 that right?

20 A. That is correct.

21 MR. JONAS: And looking at what connects him, if we  
22 can look at InfoCom Search No. 30, page 10.

23 Q. (BY MR. JONAS) And what is this document?

24 A. This again is that letter to the Defendant Mohammad  
25 El-Mezain from Fawaz Hamad that identified the members of the

1 Jenin zakat committee and their hospital, and identified a lot  
2 of them as Islamists.

3 Can you scroll up a little bit, please?

4 Mr. Adib Abboushi is listed No. 3 under the hospital's  
5 board as an Islamist.

6 Q. Are there other names on the Jenin zakat committee that  
7 we haven't discussed that are also on this list?

8 A. There are. And if you -- Just as a reminder, when you  
9 are looking at the Jenin zakat committee chart if you want to  
10 see specifically what individuals appear there, you can go to  
11 page 3 of the chart and look under their name under InfoCom  
12 Search No. 30 and see if they appear there.

13 Q. While you have the chart in front of you, can you just  
14 tell us, so we don't have to keep going back to this document,  
15 who else on your chart is listed in this document?

16 A. Okay. I think we may have done this earlier, but No. 1  
17 Sheik Mohammad Fouad Abu Zeid, someone we have already spoken  
18 about, is on this chart; sheik Zeid Zakarneh is on this chart;  
19 Adib Aboushi; Walid Jarrar; and then if you scroll to the next  
20 page Fawaz Hammad and Ziyad Abdel Ghani, who is Ziyad Abdel  
21 Ghani Issa those people are on the Jenin zakat summary chart.

22 Q. I want to go now to the general committee section of this  
23 chart. Okay?

24 A. Okay.

25 Q. We have read -- I am sorry. We have heard the portion

1 from the Philadelphia meeting from Muin Shabib talking about  
2 committees, but I want to go back to that.

3 MR. JONAS: And if I could get the elmo. I am not  
4 going to play the whole portion again.

5 Q. (BY MR. JONAS) Do you see what I highlighted?

6 A. I do.

7 Q. Agent Burns, this is from Philadelphia meeting No. 13.  
8 Could you just read the portion that I highlighted regarding  
9 the Jenin zakat committee?

10 A. Can you bring it out a little bit?

11 "In Jenin, the zakat committee there has built a hospital  
12 which is really ours."

13 Q. Okay. If you -- I know I didn't highlight the rest of  
14 the sentence, but you might as well read the rest of the  
15 sentence?

16 A. "For the Islamists, either in management or in the teams  
17 working in it."

18 Q. Is this language "is ours" and talking about Islamists  
19 consistent with this other document that we looked at earlier,  
20 Ashqar Search No. 5?

21 A. Yes.

22 MR. JONAS: Can we put Ashqar Search No. 5 on the  
23 screen, please?

24 Q. (BY MR. JONAS) Again, just give us -- The Philadelphia  
25 meeting was when?

1 A. '93.

2 Q. And Ashqar Search No. 5 is?

3 A. '88, '89. This is very early on.

4 MR. JONAS: If you can scroll to the English page,  
5 please.

6 Q. (BY MR. JONAS) What does this say about the Jenin zakat  
7 committee?

8 A. It says, "At this time"--which again is very early  
9 on--"it is the same as previous, which is two supporters are  
10 in it and the rest are dignitaries."

11 MR. JONAS: If we can go to Elbarasse Search No. 22,  
12 please, page 4.

13 Q. (BY MR. JONAS) I know we referenced this document  
14 earlier, but I want to go back because I want to ask you about  
15 the language we have seen connecting these -- discussing these  
16 committees.

17 A. Okay.

18 Q. Is the language in this document similar to the Ashqar  
19 document we just looked at in the Philadelphia meeting that  
20 you just read with regard to it "being ours"?

21 A. Yes.

22 Q. Can you point out where that is?

23 A. Okay. This is from 1991, which is two to three years  
24 after that Ashqar document, and under No. 3 it says "Jenin  
25 zakat committee, guaranteed by virtue of Mr. Mohamed Fouad



1     Abou Zeid's position."

2     Q.     Let's move to another committee.

3     A.     Okay.

4     Q.     Ramallah zakat committee.

5             MR. JONAS:   If we can put up on the screen the  
6     schedule of payments to Ramallah zakat.

7     Q.     (BY MR. JONAS)   Agent Burns, do you see that schedule?

8     A.     I do.

9     Q.     What is the date of the first payment to the Ramallah  
10    zakat committee?

11    A.     September 23rd, 1991.

12    Q.     Okay.

13             MR. JONAS:   If we can scroll through this document,  
14    please.

15    Q.     (BY MR. JONAS)   Did the HLF continue making payments to  
16    the Ramallah zakat committee after Hamas was designated as a  
17    specially designated terrorist?

18    A.     They did.

19    Q.     Did they continue making payments to THE Ramallah zakat  
20    committee after Hamas was designated as a foreign terrorist  
21    organization?

22    A.     Yes.

23    Q.     And on those payments do you see any of the Defendants  
24    listed as authorizing the wires?

25    A.     I do.

1 Q. Who?

2 A. The Defendant Shukri Abu Baker and Ghassan Elashi.

3 MR. JONAS: If we can go to the next page. Keep  
4 scrolling to the last one.

5 Q. (BY MR. JONAS) What is the date of the last transaction  
6 between the Holy Land Foundation and the Ramallah zakat  
7 committee?

8 A. October 11th, 2001.

9 Q. And how much total did the HLF give the Ramallah zakat?

10 A. We were able to track \$494,252.

11 Q. Okay. There are a couple of footnotes on this schedule.  
12 Do you know what those are about?

13 A. They would be referencing -- If you see an asterisk and  
14 it says "See payment to Islamic Charitable Society of Hebron,"  
15 that would indicate that that transaction likely came through  
16 the Islamic Charitable Society of Hebron. I would have to  
17 look at the specific example to tell you for certain that that  
18 is what happened, but those comments explain the transaction.

19 Q. Did you see on occasion where a transaction went to one  
20 zakat committee and then based upon internal records it was  
21 meant for another?

22 A. Yes.

23 Q. Was that common?

24 A. I saw it more than once.

25 Q. Okay.

1           MR. JONAS: If we can go to the schedule of the  
2 Ramallah zakat committee summary.

3       Q.     (BY MR. JONAS) Agent Burns, we see seven names on this  
4 schedule. Can you tell us who these people are? Who are the  
5 names?

6       A.     Mahmud Rumahi, Hosni Abu Awad, Omar Hamdan, Mahmoud  
7 Mosleh, Darwish Zein, Hamza Deeb, and Fadel Hamdan.

8       Q.     Okay. I want to start with Mahmud Rumahi, the first name  
9 on the left.

10           MR. JONAS: If we can go to HLF Search No. 152, page  
11 3, please.

12       Q.     (BY MR. JONAS) And what is this document?

13       A.     This is the second page of a translation of a letter from  
14 Mahmoud Romhi to the HLF.

15       Q.     Does this connect him to the Ramallah zakat committee?

16       A.     It does.

17       Q.     How so?

18       A.     In this particular letter he is signing as the Ramallah  
19 zakat hospital's general director, but there are other  
20 documents that you will see where he actually signs as a  
21 representative of the committee as well.

22       Q.     Okay.

23           MR. JONAS: Let's turn to InfoCom Search No. 32,  
24 page 10, please.

25       Q.     (BY MR. JONAS) What is this document?

1 A. This is a letter from Shukri Abu Baker at the HLF to  
2 Mahmud Romhi as the chairman of the Ramallah zakat committee.

3 Q. Have we seen Mahmud Rumahi's name in anything else that  
4 you have previously discussed?

5 A. We have seen his name and also seen references to him in  
6 the Philadelphia meeting.

7 Q. What did they say in the Philadelphia meeting? And if  
8 you want the transcript, maybe that will be easier.

9 A. It is up to you. I can tell you generally what they  
10 said. When they were talking about the area of Ramallah, they  
11 mentioned that the head of the syndicate there was --

12 Q. I am sorry. Would this be in the section that has been  
13 played regarding the committees?

14 A. Yes.

15 Q. This would be Philadelphia Meeting No. 13?

16 A. That is correct.

17 Q. Okay.

18 A. They are discussing the head of their syndicate there and  
19 saying that he was arrested and under investigation and it was  
20 causing problems for them. They referred to him as being a  
21 doctor who started the hospital, and that is Doctor Mahmud  
22 Rumahi, this individual.

23 Q. Okay. The next person on the list is Hosni Abu Awad.

24 MR. JONAS: Let's look at the Ramallah Zakat Account  
25 No. 1, page 34.

1 Q. (BY MR. JONAS) What is this document?

2 A. This is a document that indicates the members of the  
3 Ramallah zakat committee.

4 Q. This is from their bank account?

5 A. It is.

6 Q. Does it identify Hosni Abu Awad?

7 A. It does. It lists him here as Hasan, but if you go on  
8 further through the bank account records you see where he is  
9 referenced as Hosni Hasan Abu Awad.

10 Q. Okay. Before I do that, there are other names on this  
11 document. Is there anyone else who is listed on this document  
12 that is also on your schedule?

13 A. Yes. No. 2 Darwish Zein is on the list.

14 Q. Okay.

15 A. I believe he is the only one from this particular list.

16 Q. Okay. Now just so we are clear on something, No. 8, do  
17 you see that name?

18 A. I do.

19 Q. Is that the same Mahmoud Zahar that you have testified  
20 about previously?

21 A. No. He resides in Gaza. This is in the West Bank in  
22 Ramallah.

23 MR. JONAS: Let's turn to page 36 of this exhibit,  
24 Ramallah Zakat Account No. 1.

25 Q. (BY MR. JONAS) What is this document?

1 A. These again are records from the Ramallah zakat bank  
2 account.

3 Q. Does this identify the same individuals or some of the  
4 same individuals that are on the schedule?

5 A. Yes.

6 Q. Who is that?

7 A. Darwish Zein. And again, these translations are done  
8 phonetically so there are variations in the spelling. No. 3  
9 is Husni Abu Awad.

10 MR. JONAS: Let's go to another exhibit, InfoCom  
11 Search No. 32, page 26, please.

12 Q. (BY MR. JONAS) What is this document?

13 A. This is a letter from Ramallah. I am trying to see who  
14 it is -- It is addressed to Dr. Hosni Abu Awad, the man that  
15 we have been talking, about as chairman of the  
16 Ramallah/Al-Bireh zakat committee, and it says, "I am pleased  
17 to inform you of the approval of the director of the zakat  
18 fund to reform the Ramallah/Al-Bireh zakat committee as  
19 follows." And it lists the individuals who are members. And  
20 this is from 1989.

21 Q. And this was taken from where?

22 A. This was taken from InfoCom.

23 Q. Does that list have other people who are on your  
24 schedule?

25 A. It does.

1 Q. All right. By the way, the bank account we looked at a  
2 moment ago, do you remember what time period these records are  
3 for?

4 A. I believe those were from '89 as well.

5 Q. Those bank records?

6 A. To state, the ones we looked at were from '89, but if you  
7 scroll through that bank account, you will see records as they  
8 progressed in time, so they are not just limited to 1989. You  
9 can see records that go on beyond that time period.

10 Q. Let me ask you a general statement. In the records that  
11 you have compiled that support your schedules, is there  
12 anything to indicate that any of these individuals left the  
13 committee?

14 A. No. And in a lot of the individuals I found documents,  
15 like in this one, where they appear in 1989, and then you will  
16 see another document referencing the individual in the year  
17 2000, over a decade later. And I found nothing on the  
18 individuals listed on here that indicated they left the  
19 committee, with a small exception of a couple of individuals  
20 who have died.

21 Q. I guess that means they left the committee.

22 A. Yes.

23 Q. Okay. So I haven't really focused on with you the time  
24 period, but would you say -- I mean, can you tell us whether  
25 or not, just so we are clear, that these records focus on a

1 particular sliver of time, or are they covering multiple years  
2 period?

3 A. What we tried to do when putting this picture together  
4 was to take the picture in general from the HLF's beginning to  
5 end, so that a lot of the evidence will come from the  
6 beginning to show with whom they were dealing in the beginning  
7 when we have all these videotapes of these festivals that we  
8 have shown, and to show that those same individuals were the  
9 people they were dealing with much later on after the Hamas  
10 designation and until they closed down.

11 Q. And the exhibits that we have shown with regard to  
12 particular individuals, have they been all the exhibits or  
13 just a sample?

14 A. They are a sample.

15 Q. Okay. Let's move on to Omar Hamdan. I think he is the  
16 next name on the list?

17 A. Yes.

18 Q. Is he also on this schedule, before we go away from this?

19 A. He is listed as the treasurer, No. 3.

20 MR. JONAS: And if we can go to the Ramallah Zakat  
21 Account No. 1, page 10, please.

22 THE WITNESS: I don't think that is the Ramallah  
23 zakat account.

24 MR. JONAS: No, Ramallah Zakat Account No. 1.

25 Q. (BY MR. JONAS) What is this document?



1 A. This is part of the Ramallah zakat bank records. This  
2 also is dated -- It lists the account date opening for 1989,  
3 and it shows that one of the signatures on the account,  
4 authorized signatures is Omar Muhammad Ahmad Hamdan, who is  
5 the individual listed on this chart.

6 Q. The next person on the chart is a person Mahmoud Mosleh,  
7 M-O-S-L-E-H.

8 A. Yes.

9 Q. Is there a videotape involving him?

10 A. There are several.

11 Q. All right.

12 MR. JONAS: Elbarasse Search No. 23.

13 Q. (BY MR. JONAS) Does he appear in that?

14 A. Yes.

15 MR. JONAS: If we can play Elbarasse Search No. 23.

16 (Whereupon, Elbarasse Search No. 23 was played,  
17 while questions were propounded.)

18 Q. (BY MR. JONAS) Is that the individual Mahmoud Mosleh  
19 that is listed on your Ramallah zakat schedule?

20 A. It is.

21 MS. DUNCAN: Your Honor, can we approach for just a  
22 moment?

23 THE COURT: Yes.

24 (The following was had outside the hearing of the  
25 jury.)

1 MS. DUNCAN: Your Honor, I think in our written  
2 objections one thing we didn't raise with this video is it is  
3 video of people being interrogated or detained in prison, so  
4 we have a *Crawford* objection that their statements are clearly  
5 testimonial. We objected on hearsay grounds but did not raise  
6 the *Crawford* objection, so I just wanted to lodge that  
7 objection now.

8 MR. JONAS: I think they are being interviewed. I  
9 don't think it is interrogation, because I think this was  
10 seized at Elbarasse's house. And it appears to be a TV  
11 interview, or some sort of interview, not an interrogation.

12 MS. DUNCAN: They are identified as being detained  
13 in Israeli prisons. Is that right?

14 MR. JONAS: That is how it starts. I made my point.  
15 I will stop the video, but we still think it is admissible.  
16 It identifies him as who he is. I don't need --

17 THE COURT: All of it, or just this part? You are  
18 saying it is admissible.

19 MR. JONAS: I think the whole thing is admissible,  
20 yes.

21 THE COURT: I haven't seen it. I would have to take  
22 a look at it.

23 MR. JONAS: I made the point. I wanted to show who  
24 he was, so I don't need to play anymore.

25 THE COURT: All right. He is not going to play the

1 rest of it.

2 MS. DUNCAN: Is it not coming in?

3 THE COURT: We will have to deal with it later. He  
4 says it is admissible, you don't want it, so I will have to  
5 look at it. I haven't listened to this yet.

6 MS. HOLLANDER: So we can put off whether it is  
7 coming in or not?

8 THE COURT: Yes.

9 MS. HOLLANDER: Is there another one like this.

10 MR. DRATEL: I think there is another one.

11 THE COURT: A disagreement again.

12 MR. DRATEL: Is that the only one?

13 MR. JONAS: Of him.

14 MS. DUNCAN: There was another?

15 THE COURT: On at a time. This is on the record,  
16 guys.

17 MR. JONAS: You need to be a little more clear. Are  
18 there other TV interviews of people, or other interviews of  
19 people in prison?

20 MR. DRATEL: Prison.

21 MR. JONAS: Not that I am aware of.

22 MS. DUNCAN: I think you may be thinking of is it is  
23 an actual document that you said you are not going to use, one  
24 of the Ashqar --

25 MR. DRATEL: I just thought there were two of those

1 interviews, but maybe I was mistaken.

2 MR. JONAS: I am not aware of that.

3 MR. DRATEL: Okay.

4 THE COURT: All right. For now.

5 (The following was had in the presence and hearing  
6 of the jury.)

7 Q. (BY MR. JONAS) Agent Burns, I just want to be clear. In  
8 that videotape, it identified the individual who is on the  
9 Ramallah zakat committee schedule?

10 A. That is correct.

11 MR. JONAS: Let's go to HLF Search No. 106, page 5.

12 Q. (BY MR. JONAS) Again we are staying on Mahmoud Mosleh.  
13 What is this document?

14 A. This is part of a journal that was taken from the Holy  
15 Land Foundation, and this is an article that was contained in  
16 it that says "Communique from Islamic Resistance Movement,  
17 Hamas, in Palestine, August 17th, 1998."

18 MR. JONAS: If we can go to page 10 of this  
19 document.

20 Q. (BY MR. JONAS) Does this identify Mahmoud Mosleh  
21 anywhere?

22 A. It does.

23 Q. Where is that?

24 A. It says -- It is discussing -- If you go from the top it  
25 talks about the process of arresting Palestinians in mass has

1 never ended. It is referring to the PA has adopted the  
2 techniques of the Israeli security forces, arresting hundreds  
3 of innocent people. So it is talking about the Palestinian  
4 Authority arrests.

5 And then it goes down in the third paragraph and says,  
6 "Arresting Palestinian mothers, wives, and fathers of wanted  
7 Palestinians by the intelligence agencies has not stopped.  
8 Police harassment against suspects of resistance went beyond  
9 the common person on the street all the way to the political  
10 leaders, such as Abdulaziz Ranteesy, Ibraheem Maqadmeh,  
11 Mahmoud Mosleh, and Jamal Mansour.

12 Q. Have we seen Jamal Mansour anywhere else already?

13 A. Yes, he was also in that deportee video in the tent, and  
14 he is a member of the Islamic Relief Committee as he  
15 identified himself.

16 Q. Okay. Let's move on to the next person on the schedule,  
17 Darwish Zein. I may be completely mispronouncing that one.

18 A. Yes.

19 Q. Am I mispronouncing it, or is that right?

20 A. No, I know who you are talking about.

21 Q. Is he connected to the Ramallah zakat committee?

22 A. He is.

23 MR. JONAS: If we can go to InfoCom Search No. 32  
24 page 26, please.

25 Q. (BY MR. JONAS) Is he listed there?

1 A. Yes.

2 Q. Where is he what number?

3 A. No. 6. And again, these names are, the translations are  
4 phonetic, and so sometimes you will see different spellings  
5 that sound the same way. So Zayn, Z-A-Y-N.

6 Q. The next person is Hamza Deeb. Is he also listed on this  
7 particular document, InfoCom Search No. 32?

8 A. Yes, No. 2.

9 Q. The next person after that is Fadel Hamdan. Same  
10 question. Is he listed?

11 A. Yes, No. 12.

12 Q. Okay. Why don't we go to the general committee section  
13 for this particular committee, the Ramallah zakat committee.

14 MR. JONAS: If we can go first to Baker Wiretap  
15 No. 13.

16 Q. (BY MR. JONAS) I know we covered this document, but how  
17 does this document relate to the Ramallah zakat committee?

18 A. It just indicates that the HLF's representative for the  
19 Ramallah zakat is Abu Tareq, but I don't know who he is so  
20 that is why this document is referenced under the general  
21 committee to show that they were dealing with them, but not  
22 under an individual because I can't say who Abu Tareq is.

23 Q. You said the HLF representative to the Ramallah zakat  
24 committee?

25 A. The Ramallah zakat committee's representative with whom

1 the HLF is dealing.

2 MR. JONAS: Let's go to Elbarasse Search No. 22,  
3 please, page 4.

4 Q. (BY MR. JONAS) I know we have gone to this document a  
5 few times, but because you list so many committees I want to  
6 go back to it again.

7 With regard to Ramallah zakat committee, what does it  
8 say.

9 A. It says, "All of it is ours."

10 Q. And by the way, one thing I didn't ask you. Who is this  
11 addressed to?

12 A. The Defendant Shukri Abu Baker.

13 Q. Did they discuss the Ramallah zakat committee in the  
14 Philadelphia meeting?

15 A. Yes.

16 MR. JONAS: If I can have the elmo, please.

17 Q. (BY MR. JONAS) Agent Burns, I will try to move this  
18 without making you nauseous. If you can just read what I  
19 highlighted.

20 A. Okay. It says, "The Ramallah region really has some  
21 noticeable activity for our organizations, and particularly  
22 the activity of the zakat committee. We could say that the  
23 zakat committee is ours, including its management and  
24 officers."

25 Q. Okay. I just want to make sure I am clear. I am told

1 the whole thing might not have been on the screen. Just read  
2 that last line again.

3 A. "Ramallah zakat committee is ours, including its  
4 management and officers."

5 Q. Okay. Is that language consistent with Elbarasse Search  
6 No. 22, the document from a couple of years earlier regarding  
7 the Ramallah zakat committee that we just put on the screen a  
8 moment ago?

9 A. Yes. That is what they said in 1991 and in 1993.

10 Q. Okay. I want to move now to the Islamic Charitable  
11 Society of Hebron.

12 MR. JONAS: If we can put the schedule Payments to  
13 ICS Hebron.

14 Q. (BY MR. JONAS) And is ICS Hebron sort of a nickname or a  
15 shortened name of Islamic Charitable Society of Hebron?

16 A. It is an easier way so you don't have to say the Islamic  
17 charity society of Hebron every time.

18 Q. So if I refer to it as ICS Hebron, you will know what I  
19 am talking about?

20 A. I will.

21 Q. With regard to the payments made from the Holy Land  
22 Foundation to ICS Hebron, when was the first payment?

23 A. May 1st, 1991.

24 Q. Did the Holy Land Foundation continue making payments to  
25 ICS Hebron after Hamas was first designated by the United



1 States?

2 A. Yes.

3 Q. Did it continue making payments after Hamas was  
4 designated as a foreign terrorist organization?

5 A. Yes.

6 Q. Who was authorizing those payments?

7 A. The Defendant Shukri Abu Baker and also Ghassan Elashi.

8 Q. When is the last payment between the Holy Land Foundation  
9 and ICS Hebron?

10 A. November 1st, 2001.

11 Q. And how much did the Holy Land Foundation pay in total to  
12 the ICS Hebron?

13 A. We were able to track \$1,674,594.

14 Q. Okay. If we can just look at the last transaction dated  
15 November 1st. It says HLF Foreign Account No. 5, page 137, if  
16 I am reading that right.

17 MR. JONAS: Can you pull that up? HLF Foreign  
18 Account No. 5, page 137.

19 Q. (BY MR. JONAS) Agent Burns, this part is in Arabic?

20 A. It is.

21 MR. JONAS: Can you scroll to the next page and look  
22 for the English?

23 Q. (BY MR. JONAS) Is this the transaction that you just  
24 referred to, the last transaction on that schedule?

25 A. That is correct.

1 Q. Who is this from?

2 A. It is from the HLF's foreign bank account to the Islamic  
3 Charity Society in Hebron.

4 Q. On the payment schedule to ICS Hebron, for this  
5 transaction this is the only document. Were you able to find  
6 anything else supporting this transaction besides this foreign  
7 bank account record?

8 A. No. And just to be clear, because we have had several  
9 instances like this, in the domestic bank records I did not  
10 find anything to indicate anything else about this  
11 transaction. I and a team of IRS agents looked through the  
12 search warrant material and did not locate documentation  
13 surrounding this transaction. A lot of their paperwork, it  
14 was very voluminous and quite confusing, but this is what we  
15 found.

16 Q. Okay.

17 MR. JONAS: If we can go to the ICS Hebron Summary  
18 Schedule.

19 Q. (BY MR. JONAS) We have a lot of names on this schedule,  
20 Agent Burns --

21 A. Yes.

22 Q. -- connecting to ICS Hebron. We will try to go through  
23 them one at a time, but I am assuming there is a lot of the  
24 same documentation covering multiple names.

25 A. Yes; a lot of the documents we have already talked about

1 and the videos.

2 Q. Okay. So we may be able to go through this at a fairly  
3 quick pace. Starting with the first one Abdel Khaleq Natshe,  
4 let's look at what you have listed connecting him to the  
5 committee.

6 MR. JONAS: Starting with InfoCom Search No. 51,  
7 page 11.

8 Q. (BY MR. JONAS) What is this document?

9 A. This is that 1991 report from the Defendant Shukri Abu  
10 Baker regarding his trip to the Palestinian territories in  
11 1991.

12 Q. And does he identify who he met?

13 A. Yes. He says, "In the Hebron area," which is what we are  
14 discussing, "I visited the Islamic Charitable Society and met  
15 those in charge in it, including Mr. 'Abd'al'Khaliq al-Natshah  
16 and Kamal al-Tamimi."

17 Q. Okay. Abdel Khaleq Natshe is the first name I asked you.  
18 Is Kamal al-Tamimi also on the list?

19 A. Yes. He is No. 4 on the summary chart.

20 MR. JONAS: Let's go to InfoCom search 89, page 12,  
21 please.

22 Q. (BY MR. JONAS) What is this document?

23 A. This is the second page of a translation of an Arabic  
24 project report.

25 Q. Is this somehow -- How do you connect this to Abdel

1 Khaleq Natshe?

2 A. The project report is signed at the bottom by a Abdel  
3 Khaliq al-Natsheh, the committee's secretary.

4 MR. JONAS: If we can go to Marzook Phonebook, page  
5 45.

6 Q. (BY MR. JONAS) What to you see there related to this  
7 particular schedule?

8 A. The last name on this page is this individual Abdel  
9 Khaleq al-Natsheh with his phone number.

10 MR. JONAS: And let's go to InfoCom Search No. 25,  
11 page 111.

12 Q. (BY MR. JONAS) Can you remind us what InfoCom Search  
13 No. 25 is?

14 A. This is the list of the deportees taken from InfoCom,  
15 which was the business of the Defendant Ghassan Elashi. And  
16 so in this list we have the names of the deportees. And  
17 specifically, the first one on this page is this individual  
18 'Abd'al'Khaliq Natshah. And just to be clear, these  
19 individuals generally have four to five names, so you may have  
20 to look -- In this instance he is referred to as  
21 'Abd-al-Khaliq Hasan Shathili al'Natshah, although I probably  
22 pronounced that wrong, but we are using Abdel Khaleq Natshe.  
23 It is an easier way to write it.

24 MR. JONAS: I want to go back to Elbarasse Search  
25 No. 22, if we can pull that up.

1 Q. (BY MR. JONAS) Is his name mentioned anywhere in this  
2 document?

3 MR. JONAS: Going to page 5, please.

4 THE WITNESS: Yes.

5 MR. JONAS: If we can enlarge the middle section.

6 Q. (BY MR. JONAS) Agent Burns, this is a page of the  
7 document I don't think you have referred to yet, and as a  
8 separate category that says "to the charitable organizations."  
9 Does this divide up to the zakat committee and charitable  
10 organizations?

11 A. Yes.

12 Q. What is the first one underneath "charitable  
13 organizations"?

14 A. Again, this is the letter to Shukri from 1991, just  
15 because it looks different on this page, under charitable  
16 organizations the first one listed the Islamic Charity  
17 Society, Hebron. "All of it is ours it has Adnan, Abdel  
18 Khalik Al Natshe, and Hashm El Natshe, our people."

19 Q. Is Hashem El Natshe on your schedule?

20 A. Yes, and so is Adna, both of them.

21 Q. Do you know if they are related?

22 A. I believe that they are, but I don't know if they are  
23 cousins or what. From the same general family, but it is a  
24 large family.

25 Q. Okay.

1 A. But Adnan is Adnan Masouwda. So Abdul Khaleq Natshe is  
2 No. 1 on the summary chart. Hashm Natshe is No. 2 on the  
3 summary chart. And Adnan Masouwda is No. 5 on the summary  
4 chart.

5 Q. Let's talk about Hashem. Besides this document  
6 connecting him to the committee --

7 MR. JONAS: Let's go to InfoCom Search No. 28, page  
8 87.

9 Q. (BY MR. JONAS) What is this document?

10 A. This was that list taken from InfoCom, which again was  
11 the business of Ghassan Elashi, that list of all the  
12 committees with their members and bank information, things  
13 like that. And this is the second page of the list on Islamic  
14 Charitable Society of Hebron.

15 Q. Who does it list here that is on your schedule?

16 A. It lists No. 2, that is Hashem Sadek Abdel Nabi Al  
17 Natasheh, which is No. 2 on the chart, Hashem Natshe, just a  
18 shortened version of his name.

19 Q. And can you tell us their role in the committee if it is  
20 listed?

21 A. Yes. Here it is vice president. And then Saleh Salem  
22 Abdel Nabi Natsheh is listed as treasurer. He is listed as  
23 No. 7 on the summary chart. No. 5 on the list -- on the  
24 InfoCom list is Adnan Abdel Hafiz Masouda, house director.  
25 And he is No. 5. He was also one of the people referenced as

1 "our people" in that letter to Shukri. And then No. 8 is Mr.  
2 Mohamed Eid Misk, and he is No. 3 on the summary chart.

3 Q. Okay. And so we are clear, we have nine people listed in  
4 this document but not everyone you have named is on your  
5 summary chart. How come you didn't name everybody in this  
6 document on your summary chart?

7 A. Because there were a number of people with whom the HLF  
8 dealt or whose names appeared in multiple sources of the  
9 evidence. Those are the people that we focused on. And as  
10 you can see, there were a number of them. The other people in  
11 comparison just did not appear that frequently.

12 Q. Okay. Staying with Hashem Natshe --

13 MR. JONAS: And if we can pull up the ICS Hebron  
14 Account No. 1, the bank account, page 43, please.

15 Q. (BY MR. JONAS) Agent Burns, do you see that on the  
16 screen?

17 A. I do.

18 Q. Okay. Are you able to make it out?

19 A. No.

20 MR. JONAS: Next page, please. And a translation of  
21 that document.

22 THE WITNESS: That looks like a travel document or  
23 an identification document. It gives an I.D. number, and then  
24 it shows the person's name, which is -- The first name is  
25 Hashim under personal name. Father's name would be Sadiq.

1 Family name last name Al-Nitshah. It is just a variation  
2 phonetically in the spelling.

3 Q. So does this document connect Hashem Natshe to the IC  
4 Hebron bank account?

5 A. Yes.

6 MR. JONAS: Let's go to Baker Wiretap No. 15.

7 Q. (BY MR. JONAS) What is this document?

8 A. This is a fax received on April 18th, 1999 regarding the  
9 HLF library in Hebron.

10 Q. The HLF library?

11 A. Well, it was a library funded by the HLF in Hebron  
12 through the Islamic Charitable Society of Hebron.

13 Q. How do you connect -- I am sorry. Say that again. It  
14 was funded through?

15 A. The Islamic Charitable Society.

16 Q. Does this document referencing that?

17 A. Yes.

18 Q. Does this document identify any of the people on your  
19 chart?

20 A. It does.

21 Q. Who?

22 A. Hashem Natshe is identified in this document as well as  
23 Mohammed Eid Misk. I believe the second page here he is  
24 listed Hashem Natshe as the -- listed as the chairman of the  
25 chamber of commerce, but if you go to the next page it has him



1 listed as the president of the Society, the Islamic Charitable  
2 Society. And scrolling on he is referenced again. Keep  
3 scrolling.

4 And then it identifies in the last sentence that the  
5 appointed educator at the library as the library director  
6 would be Eid Misk, who is Mohamed Eid Misk, who is No. 3 on  
7 this chart.

8 Q. Does this reference the opening of the library?

9 A. It does.

10 Q. I thought I saw the name the Defendant Shukri Abu Baker  
11 in there.

12 A. Yes.

13 Q. What was his connection for this document?

14 A. He delivered a speech over the telephone at the opening  
15 of the HLF -- or of the library in Hebron.

16 Q. Did you see any videotapes of the opening of the library?

17 A. Yes.

18 Q. Where did that tape come from?

19 A. InfoCom.

20 Q. How many copies of the tape did the FBI come across?

21 A. Two.

22 Q. Is there anything else on the tape besides the opening of  
23 the library?

24 A. Yes.

25 Q. What?

1 MS. MORENO: Your Honor, may we approach, please?

2 THE COURT: Yes.

3 (The following was had outside the presence and  
4 hearing of the jury.)

5 MS. MORENO: I need to be excused. The problem is I  
6 can't leave my client unrepresented, so I would ask the Court  
7 to take an early break now, but I really have got to go.

8 THE COURT: All right.

9 MS. MORENO: Sorry.

10 THE COURT: Go ahead and go, and then we need to  
11 discuss an issue anyway on this question. Are you planning on  
12 going over every one of these charts and everybody's names?

13 MR. JONAS: I am hoping I can speed it along as I  
14 move along.

15 THE COURT: I don't see the point in going over  
16 every name. You have covered six charts and you have six left  
17 and over 20 names, and I don't see the point of that. I mean,  
18 I think you are entitled to get into amounts, things that show  
19 control. I mean, I think you have made your point, but I  
20 don't see the point of every name. They are in evidence -- I  
21 will give you a chance in a minute. They are in evidence, and  
22 you have got the document. You have made your point where the  
23 jury can go and find -- Go ahead.

24 MR. JONAS: The comment Your Honor just made, you  
25 made your point actually is a good one, because speaking to my

1 colleagues, there is a difference of opinion as to when I made  
2 my point.

3 THE COURT: You made it.

4 MR. JONAS: I am very mindful of boring this jury.  
5 There are -- Part of what I am doing, though, is laying the  
6 foundation for a witness later on, for Avi. But I will  
7 absolutely move faster. There are some points where I need to  
8 stop because it is not the same thing.

9 THE COURT: Yes. And I will let you use your own  
10 judgment as to what you need to get in. And I know you  
11 probably want to cover some for each committee, but we just  
12 don't need to go over every name for every committee. There  
13 is 20 plus left. That is too much time. We don't need to do  
14 that.

15 MR. JONAS: Yes, sir. I fully appreciate that.

16 THE COURT: Find some way --

17 MR. JONAS: I will absolutely do that.

18 THE COURT: Okay. All right.

19 Anything else while we are up here?

20 MR. JONAS: If I can raise something, since we are  
21 up here?

22 THE COURT: Let me let the jury go.

23 Members of the jury, we are going to take our afternoon  
24 break. Be back at ten after.

25 (Whereupon, the jury left the courtroom.)

1           MR. JONAS: I mentioned this to Jennifer before we  
2 started up this afternoon, and Ms. Duncan, there were to two  
3 mistakes on my list, the courtesy list. One Ashqar --

4           THE COURT: For this witness?

5           MR. JONAS: For this witness. Ashqar Search No. 7,  
6 that was objected to. I realize it is supposed to be Ashqar  
7 Wiretap No. 7 instead of Search No. 7.

8           THE COURT: Okay.

9           MR. JONAS: The other one is HLF Search No. 102  
10 wasn't on my list. That was inadvertently left off. It is on  
11 Agent Burns' schedule. In fact, I did pull up a document from  
12 there already. I don't know if the Defense wants to raise  
13 additional objections besides the ones that currently covered.

14           MS. DUNCAN: As to HLF Search No. 102, we don't have  
15 additional objections. I haven't looked at Ashqar Wiretap No.  
16 7. I haven't looked at that, Your Honor.

17           THE COURT: Take a look at that one. And then what  
18 is the other one?

19           MR. JONAS: HLF Search No. 102, which I believe is  
20 written down right there.

21           THE COURT: Okay.

22           MS. HOLLANDER: I have one other thing.

23           THE COURT: You don't have any additional  
24 objections?

25           MS. DUNCAN: No. And I will look at Ashqar Search

1 No. 7.

2 THE COURT: You have the general objections on  
3 those. Those are overruled, and HLF Search No. 102 is  
4 admitted, then.

5 MR. JONAS: I apologize, Your Honor.

6 THE COURT: That is all right. We have all made  
7 mistakes at this trial.

8 It is something we have to deal with?

9 MS. HOLLANDER: This video they are about to play is  
10 one we talked about this morning that shows the American flag  
11 being stomped on.

12 THE COURT: Burned and --

13 MS. HOLLANDER: We would like Your Honor to look at  
14 it so that you can make a ruling on whether you think under  
15 403 whether it should come in.

16 THE COURT: I made that ruling. You described it  
17 and you described it in your motions, and it was found there  
18 at the HLF premises, so I have already made my ruling on that.  
19 It is within the HLF material at InfoCom.

20 And one other thing, and this is on the summary witness.  
21 I think one question that you are asking is improper when you  
22 are asking her is consistent with this. That is more into  
23 argument.

24 You can certainly direct her to where you find the names  
25 and documents, because there are so many documents. I think

1     that is helpful to the jury. But once you start saying, "Is  
2     this consistent with this," you are really getting into  
3     argument and she becomes a summary argument witness, and is  
4     what the Court has spoken against.

5             MR. JONAS: I will make sure I don't do it again.

6             THE COURT: Avoid that.

7                     (Brief recess.)

8             THE COURT: I understand we need a bench conference.

9             MS. CADEDDU: Yes.

10                    (The following was had at the bench.)

11             MS. CADEDDU: Your Honor, I think at the end of the  
12     bench conference before you indicated that you believe that  
13     the questions that Mr. Jonas was propounding to Agent Burns  
14     about whether something was consistent with something else  
15     were improper, and so we would ask the Court to strike those  
16     questions and answers, and to instruct the jury to disregard  
17     those as being improper.

18             THE COURT: Okay. And I will deny that request. I  
19     don't remember how many of them there were. I remember one at  
20     the end, and I don't even remember what it was about, so I  
21     will deny that request.

22             MS. DUNCAN: I had said I would look at Ashqar  
23     Wiretap No. 7, and we would state our standard objections as  
24     to hearsay.

25             THE COURT: What is that?

1 MR. JONAS: Honestly I have to look. I am sorry.

2 THE COURT: Do you remember?

3 MS. DUNCAN: I looked at it very, very quickly. It  
4 is call between Jamil Hamami and Ashqar, I think.

5 MR. JONAS: It is on the Islamic Science and Culture  
6 schedule, part of connecting Jamil Hamami to everything we  
7 have been connecting him along with, the Islamic Science and  
8 Culture Committee to Hamas. It is all in the same vain.

9 MS. HOLLANDER: Which reminds me, there are also  
10 some Hamami 302s you are looking at.

11 THE COURT: Right.

12 MS. HOLLANDER: We will need those before cross,  
13 particularly to see if he said anything about HLF and its  
14 relationship to Hamas.

15 THE COURT: Before cross on this witness?

16 MS. HOLLANDER: Yes.

17 THE COURT: How much longer do you anticipate on  
18 this witness?

19 MR. JONAS: I think I will take to the end of the  
20 day. If I can ask Ms. Moreno a question on that. You had  
21 asked me about objecting if we break an hour early.

22 MS. MORENO: However the Court can accommodate me.  
23 I am trying really hard, Your Honor.

24 THE COURT: Let's see if we can make it until about  
25 4:30 or so. I would like to work at least an hour. That will

1 give us a little over an hour.

2 MR. JONAS: I am not going to pass her today.

3 MS. HOLLANDER: You aren't anyway?

4 MR. JONAS: Because we are breaking early, and even  
5 speeding things up I don't think I will pass her today, but I  
6 think it will be sometime mid morning. So that we are not  
7 using a chit, at the request of the Defense they ask that we  
8 put Robert McBrien from OFAC on tomorrow, because Mr. Cline is  
9 only going to be here tomorrow and he is going to be the one  
10 to cross him. So tomorrow we will have to stop Agent Burns  
11 and put Mr. McBrien on.

12 MS. HOLLANDER: That is one for us.

13 MS. CADEDDU: There is a chit list?

14 MR. JONAS: You guys let us know whenever you want  
15 to put him on.

16 MS. CADEDDU: Can we talk to John about that?

17 MR. JONAS: Sure.

18 MS. DUNCAN: Do you guys have a sense of how long he  
19 will be on direct?

20 MR. JONAS: Not long. It is Betsy's witness. Maybe  
21 half an hour, 45 minutes.

22 MS. HOLLANDER: As long as we can finish him  
23 tomorrow.

24 MR. JONAS: So we might want to wait until later in  
25 the day. Whatever you want to do.



1 MS. DUNCAN: We will talk to John.

2 (The following was had in open court.)

3 THE COURT: Go ahead and bring the jury in.

4 (Whereupon, the jury entered the courtroom.)

5 Q. (BY MR. JONAS) Agent Burns, I was asking you about a  
6 videotape. There are two copies of the tape found at InfoCom?

7 A. Yes.

8 Q. This pertains to the opening of the library at Hebron?

9 A. Yes.

10 Q. That the HLF supported?

11 A. Yes.

12 Q. Besides opening of the library, is there something else  
13 on the tape?

14 A. Yes.

15 Q. Before you play the tape, can you briefly describe what  
16 it is?

17 A. Yes. Prior to the opening of the Hebron library, there  
18 are clips from a demonstration on the videotape. They were on  
19 there as it was -- I mean, that is the way we seized it.

20 Q. Is it one demonstration, or does it appear to be multiple  
21 demonstrations?

22 A. I wasn't there so I can't say that it wasn't different  
23 parts of one demonstration, but there are several clips of  
24 different crowds demonstrating.

25 Q. Is it the same -- Are these demonstrations on both copies

1 of the tape that was found by the FBI?

2 A. Yes. The tapes were identical.

3 Q. Was there a note on one of the tapes?

4 A. There was.

5 Q. What was that note? What did it say?

6 A. The note was a handwritten note, and it said something to  
7 the effect of, "Please make me two copies of this tape. There  
8 is a demonstration at the beginning. I don't want it."

9 Q. Was that note in English or Arabic?

10 A. I am not sure. A translator brought it to my attention,  
11 so I don't know if I saw a translation or if I saw what was  
12 written on a note.

13 Q. Okay. And then just so I am clear, it goes from the  
14 demonstrations on the videotape into the opening of the Hebron  
15 library?

16 A. That is correct.

17 Q. Are we seeing the whole tape this morning, or this  
18 afternoon?

19 A. No. We are seeing clips of the demonstrations that  
20 preceded the opening of the library, and then a small clip  
21 from the opening of the library.

22 Q. Okay. And again, so we are clear, you are saying  
23 demonstrations that preceded the demonstration of the opening  
24 of the library.

25 A. On the tape.

1 Q. Do you know if those demonstrations actually occurred in  
2 the front of the library?

3 A. I don't know.

4 Q. Or the time the library was opened?

5 A. I don't know.

6 Q. Did the FBI alter this tape in any way?

7 A. No, other than to put the translations on it so we can  
8 see what is being said.

9 Q. And on the part of the library portion, do we see any of  
10 the ICS Hebron representatives that are in your chart?

11 A. Yes.

12 MR. JONAS: If we can play InfoCom Search No. 68,  
13 please.

14 (Whereupon, InfoCom Search No. 68 was played, while  
15 questions were propounded.)

16 Q. (BY MR. JONAS) Agent Burns, do you see the headbands  
17 around these individuals?

18 A. Yes.

19 Q. Have we seen those same headbands before in other videos?

20 A. Yes.

21 Q. Those green headbands that they are wearing that you said  
22 we have seen earlier, in what context were the people wearing  
23 it where we have seen it earlier?

24 A. To symbolize Hamas.

25 Q. Agent Burns, the individual on the left is wearing a red

1 headband. Do you know if that is a Hamas headband? I know it  
2 is off the screen now. Were you able to see if that is a  
3 Hamas headband, or is Hamas' color red?

4 A. Hamas' color is green.

5 Q. Do you know if there were any other parties whose colors  
6 are red?

7 A. I can't see the headband well enough to describe it, so I  
8 wouldn't want to discuss that.

9 Q. Okay. Agent Burns, do you see the way it jumped  
10 sometimes, kind of spliced out and spliced in?

11 A. Yes.

12 Q. Did the FBI do that?

13 A. No. On the original tape it did like that. And that is  
14 what I was saying. I couldn't tell if it was from different  
15 clips of the same protest or different protests themselves.

16 Then the last -- In the last clip at the end you could  
17 see them holding a photograph in the background, and that was  
18 of the bombmaker Yehia Ayyash.

19 Q. Is the individual, the name on the screen, Hashim  
20 al-Natshe, is his name on the list?

21 A. Yes, Hashim Natshe, the second on the Islamic Charitable  
22 Society chart.

23 MR. JONAS: If we can get back to the chart the  
24 Islamic Charitable Society of Hebron summary.

25 Q. (BY MR. JONAS) Agent Burns, there are two names on here

1 Mohamed Eid Misk and Kamal Al Tamimi. Did these two  
2 individuals have two jobs?

3 A. Yes.

4 Q. Could you explain that?

5 A. Yes. Kamal Al Tamimi also was the HLF's representative  
6 in the Hebron area, and Mohamed Eid Misk was the administrator  
7 of the library, and he was on the HLF's payroll.

8 Q. And is that information coming from documents that are  
9 referenced on this list?

10 A. Yes.

11 Q. We discussed an InfoCom Search No. 25 exhibit. What was  
12 that again?

13 A. That was the list of deportees taken from InfoCom, the  
14 business of the Defendant Ghassan Elashi.

15 Q. Was Kamal Tamimi's name on that list?

16 A. Yes.

17 Q. There is a bunch of names on here, and I am going to jump  
18 to the general committee section. Just so we are clear, the  
19 people whose names are on here, if we turn to page 3 of the  
20 chart, in looking at your chart if someone just went to those  
21 exhibits listed under their names would they find connections  
22 between these individuals and the committee and HLF, or Hamas  
23 if applicable?

24 A. Yes. Considering we were just discussing a very few of  
25 these, one would, to see a better picture, would go to and see

1 all the exhibits referenced under these individuals and look  
2 at those exhibits to get a broader picture than just the  
3 highlights that we are looking at today.

4 Q. Okay.

5 A. Excuse me. As well, not to forget to look at the  
6 financial schedule and the underlying exhibits for the  
7 financial schedules, because those underlying exhibits tend to  
8 relate to the committee and these individuals as well.

9 Q. Okay. Have which seen any of these people on the tent  
10 video?

11 A. Yes.

12 Q. Who?

13 A. Azzam Halsab, the eighth person on the chart.

14 Q. Okay. And is there --

15 MR. JONAS: Elbarasse Search No. 22 which lists out  
16 the committees, if we can pull that up real quick.

17 Q. (BY MR. JONAS) Is there anyone on this Islamic  
18 Charitable Society of Hebron committee listed?

19 A. On this letter to Shukri, page five, the next page, if  
20 you look under Young Men Muslim Association, No. 5, which is  
21 affiliated with the Islamic Charitable Society of Hebron --  
22 Excuse me. No. 3. The Young Men's Muslim Association which  
23 is affiliated with the Islamic Charitable Society of Hebron,  
24 it identifies "brother Talal Sadr as one of our people," and  
25 he is the last person on this Islamic Charitable Society of

1 Hebron chart.

2 Q. The connection between the Young Men's Muslim Association  
3 and the Islamic Charitable Society of Hebron, is that  
4 connection contained within the documents that support this  
5 chart?

6 A. Yes. You can see it on some exhibits that are referenced  
7 specifically in here. Money was sent to the Young Muslim  
8 Association through the Islamic Charitable Society of Hebron  
9 on several occasions.

10 Q. Okay. And what does it say about the Islamic Charitable  
11 Society of Hebron on this document?

12 A. "All of it is ours. It has Abdel Khalik Al Natshe and  
13 Hashem Al Natshe, our people."

14 Q. Do they discuss the ICS Hebron committee in Philadelphia?

15 A. Yes.

16 MR. JONAS: If I can get the elmo real quick.

17 Philly Meeting No. 13.

18 Q. (BY MR. JONAS) Agent Burns, if you can read what I  
19 highlighted.

20 A. "In Hebron, Hebron is a city, is a place where we  
21 consider that we have a good presence and weight as Islamic  
22 organizations such as the Islamic Charitable Society."

23 Q. Okay. Let's move to the next committee. Nablus zakat  
24 committee.

25 A. Okay.

1 Q. And it is called Payments to the Nablus zakat committee  
2 chart. Okay. Agent Burns what chart is this?

3 A. I am sorry?

4 Q. What chart is this on the screen now?

5 A. Payments to the Nablus zakat committee.

6 Q. When was the first payment made to the Nablus zakat  
7 committee made by the HLF?

8 A. May 1st, 1991.

9 Q. Did the HLF continue to make payments to the Nablus zakat  
10 committee after Hamas was designated as the terrorist  
11 organization?

12 A. Yes.

13 Q. And it goes to the second designation as an FTO. Same  
14 question.

15 A. That is correct; they did.

16 Q. Who was making the payments -- Who is authorizing the  
17 payments to the Nablus zakat committee?

18 A. Defendant Shukri Abu Baker, Ghassan Elashi, and several  
19 other HLF employees.

20 Q. Okay.

21 MR. JONAS: Go to the last page.

22 Q. (BY MR. JONAS) What is the date of the last payment to  
23 the Nablus zakat committee?

24 A. October 11th, 2001.

25 Q. And how much was paid in total from the HLF to the Nablus



1 zakat committee?

2 A. We tracked \$475,715.

3 MR. JONAS: If we can put on the screen the chart  
4 Nablus Zakat Summary.

5 Q. (BY MR. JONAS) Agent Burns, there is four individuals on  
6 this one, and we are not going to hit them all but I do want  
7 to talk about the first one, Hamad Bitawi.

8 A. Okay.

9 Q. Were there any pictures of Hamad Bitawi seized from the  
10 Holy Land Foundation?

11 A. Yes.

12 Q. Do the pictures identify him as Hamad Bitawi?

13 A. Some of them do.

14 MR. JONAS: If we can put HLF Search No. 101 on the  
15 screen, and go to the second picture, please.

16 Q. (BY MR. JONAS) Is there a translation of the document  
17 and identification of the individuals in this picture  
18 somewhere in this exhibit?

19 A. There are several pictures. Hamad Bitawi is in the black  
20 the white hat and the long white beard. If you go back to the  
21 previous picture, you can recognize him from that tent video  
22 that we saw. He is the second one from the left. We saw him  
23 on the tent video. But in one of these pictures on the back  
24 of the picture he is identified.

25 Q. Okay.

1 MR. JONAS: If we can go to the translation.

2 Q. (BY MR. JONAS) Does that identify him?

3 A. It is probably the next one. There.

4 Q. Okay. Is there another picture of him seized from the  
5 Holy Land Foundation?

6 A. Yes, I believe from the computers.

7 Q. When you say you believe from the computers, what do you  
8 mean?

9 A. Items that were downloaded off of the HLF computers that  
10 were seized during the search warrants.

11 MR. JONAS: If we can put HLF Search No. 131 on the  
12 screen, please.

13 Q. (BY MR. JONAS) Is that Hamed Bitawi?

14 A. It is.

15 Q. Is there writing on this that you have seen from the  
16 downloaded picture that is kind of whitewashed out of this  
17 picture because it is kind of bright?

18 A. Yes. When you are looking at the actual image from the  
19 computer on the disk, the word Hamas in English is behind his  
20 head, but when printed out the ink is too light or something  
21 and it will not print out, so the only way you can see that is  
22 by looking at the actual image from the computer. But you can  
23 still see the gun in his hand and I guess the Quran in the  
24 other one.

25 Q. Did we see him in any of the videos we have played today?

1 A. In the tent video.

2 Q. Okay. Is he praised or referenced in any other videos we  
3 have seen?

4 A. He has been praised by Hamas leader Khalid Mishal in the  
5 1992 MAYA conference and also a videotape that we haven't  
6 played wherein he discusses the HLF.

7 Q. Okay.

8 MS. HOLLANDER: Is there a date for this picture?

9 Q. (BY MR. JONAS) Do you know the date of the picture, the  
10 date the picture was taken.

11 A. I don't. We would have to ask the computer people what  
12 date the image was created. I don't know.

13 MR. JONAS: If we can go to Baker Wiretap No. 22.

14 Q. (BY MR. JONAS) Staying with Hamed Bitawi, is he  
15 mentioned in this document? Withdrawn. What is this  
16 document?

17 A. This is a flier regarding an HLF fundraising event or  
18 events. One side of it is the English discussing one evening  
19 I guess with speakers, and then the other side is in Arabic  
20 discussing another evening with other speakers.

21 Q. Is Hamed Bitawi on the other English side?

22 A. No.

23 Q. What does the translation say with regard to Hamed  
24 Bitawi?

25 A. It indicates during the Ramadan program that Sheikh Hamed

1 Bitawi would participate, and it is a Holy Land Foundation  
2 teleconference.

3 Q. I am holding up HLF Search No. 87, which is the overseas  
4 speakers list. Is Hamed Bitawi on the overseas speakers list?

5 A. He is, No. 27.

6 Q. All right. Hamad Bitawi is there any evidence listed on  
7 this chart that connects him to the Nablus zakat committee?

8 A. Yes.

9 MR. JONAS: Nablus Zakat Account No. 2, page 1.

10 THE WITNESS: We need to note the picture, because  
11 this is the first document -- These are the bank records, and  
12 this is his identification document. You can see his face.  
13 Because his name, as I stated before, they have very long  
14 names, and so his name, as noted on the translation, is just a  
15 portion of his name, and you will see what I am talking about,  
16 so that is why I wanted us to look at the picture.

17 Q. (BY MR. JONAS) These are the bank accounts for?

18 A. Nablus zakat.

19 Q. And on the translation do we see his name?

20 A. You see part of his name. You see Hamid Sulaiman Khdeir.  
21 You don't see the last name Bitawi. You see it later on in  
22 the bank records, but not here.

23 Q. Okay. Do they discuss Nablus in the Philadelphia  
24 meeting?

25 A. Yes.

1 Q. On Elbarasse Search No. 22, which is that letter to  
2 Shukri Baker listing out committees, where it says, "Some of  
3 it is ours," "all of it is ours," "guaranteed," is the Nablus  
4 zakat committee listed on that document?

5 A. It is.

6 Q. What does it say for that document?

7 MR. JONAS: Just pull it up. I am sorry. Elbarasse  
8 Search No. 22. If we can put that on the screen, please.

9 THE WITNESS: At this point in '91 they say, "We  
10 have nobody in it. His wife is one of us. We have a  
11 relationship with Haj Yaish."

12 MR. JONAS: If I can get the elmo, please.

13 Q. (BY MR. JONAS) Again I am going to refer back to  
14 Philadelphia Meeting No. 13, which occurred how long after  
15 Elbarasse Search No. 22?

16 A. A couple of years.

17 Q. And do you see where it is marked Nablus zakat committee?

18 A. Yes.

19 Q. Reading from I guess -- I am looking for where the  
20 sentence starts. Do you see it says, "In the West"? Do you  
21 see that?

22 A. I am looking for it, but there is so little print on --

23 Q. Start from there. Do you see, "In the West"? Do you  
24 want me to hand it to you? Would it be easier?

25 A. No, it is okay. "In the West Bank in the north region,

1     which includes Nablus, Jenin, Qalqilia, and Al Biqa'a  
2     [valley], there was relatively old activity such as Nablus  
3     zakat committee in Nablus, which was founded in 1976. It is  
4     very advanced in comparison with the other committees. For  
5     instance, they have over 1,000 orphans, over 2200 families  
6     which are sponsored monthly. They have investment activities  
7     and other activities. But when we speak about it as a zakat  
8     committee, we tie it to us."

9     Q.    Okay. Let's move on to another committee. Islamic  
10    Science and Culture Committee.

11                 MR. JONAS: If we can pull up Payments to Islamic  
12    Science and Culture on the screen, please.

13    Q.    (BY MR. JONAS) Agent Burns, do you see that?

14    A.    I do.

15    Q.    What is the date of the first payment to the Islamic  
16    Science and Culture Committee by the HLF?

17    A.    May 1st, 1991.

18    Q.    And if we can scroll through this document, do they  
19    continue making payments after Hamas was first designated as a  
20    specially designated terrorist?

21    A.    Yes.

22    Q.    Did they continue making payments after Hamas was  
23    designated as a foreign terrorist organization?

24    A.    No, they stopped after July 18th, 1996.

25    Q.    How much in total did the HLF pay the Islamic Science and

1 Culture Committee?

2 A. \$485,468 that we identified.

3 MR. JONAS: If we can go to the Islamic Science and  
4 Culture Committee Summary, please.

5 Q. (BY MR. JONAS) There are four names here, and the first  
6 name is Jamil Hamami, who there has been quite a bit of  
7 testimony about. Was there a videotape that was seized that  
8 shows Jamil Hamami?

9 A. Yes.

10 Q. Were there several?

11 A. Yes.

12 MR. JONAS: All right. Let's play InfoCom Search  
13 No. 67.

14 (Whereupon, InfoCom Search No. 67 was played, while  
15 questions were propounded.)

16 Q. (BY MR. JONAS) Is Jamil Hamami in this screen?

17 A. He is. He is the individual on the right of the screen  
18 with the long beard.

19 Q. Do you know when this video was taken?

20 A. This would have been late '80s, early '90s.

21 Q. The picture on Demonstrative No. 17 of Jamil Hamami, if  
22 you can see it, shows him with a shorter beard?

23 A. Yes.

24 Q. So the fact he has a dark beard in this video, does that  
25 help approximate the date?

1 A. It does. And let me modify my statement, because this  
2 was when the funding of the al-Noman School was going on.  
3 This would have been early '90s.

4 Q. Who is brother Abu Ibrahim?

5 A. That would be the Defendant Mohammad El-Mezain.

6 Q. And brother Shukri?

7 A. That is brother Shukri Abu Baker. And in looking at  
8 this, you can determine -- you can even more narrow down the  
9 date, because it shows that the Holy Land Foundation had  
10 already changed its name and moved to Dallas, so that would  
11 mean that it was at least 1992.

12 Q. Okay. Agent Burns, were there discussions about Jamil  
13 Hamami at the Philadelphia conference?

14 A. Yes.

15 Q. Specifically him?

16 A. Yes.

17 Q. Okay.

18 MR. JONAS: So I don't have to keep going back to  
19 the elmo and moving the document around, I am going to try to  
20 pull up the transcript.

21 Can We have page three, please? Can you enlarge the  
22 center?

23 Q. (BY MR. JONAS) Agent Burns, do you see where it says,  
24 "This is one of the problems which are not solved"?

25 A. Yes.



1 Q. Can you read from there?

2 A. It says, "This is one of the problems which are not  
3 solved, the affiliation of the organization with exposed  
4 people, so when a problem happens with a man, a problem  
5 happens with the organization. I mean, the Islamic Sciences  
6 and Culture Society used to have a research center which was  
7 the nucleus for a huge research center until the person in  
8 charge Sheik Jamil Hamami was arrested and this became an  
9 obstacle and a hindrance for the development of that project.  
10 We have a school and a kindergarten and some orphan  
11 sponsorships in that region."

12 Q. Okay. Did you come across anything in the search warrant  
13 material connecting Jamil Hamami to Hamas?

14 A. Yes.

15 MR. JONAS: If we can go to HLF Search No. 108, page  
16 13.

17 Q. (BY MR. JONAS) What is this document?

18 A. This is a Middle East Affairs Journal taken from the HLF  
19 offices reporting on Hamas.

20 Q. What does it say about Jamil Hamami?

21 A. In the paragraph next to the last at the bottom it says,  
22 "Yassin"--who is the Hamas founder Sheikh Ahmed Yassin--"in  
23 consultation with the six other founding members managed the  
24 complexities of administers Hamas' affairs. Prior to his 1989  
25 arrest, Yassin was al-Mas'ul al'Am (director general) of the

1 Movement. He assigned Shaykh Jamil Hamami, a brotherhood  
2 activist in the West Bank, to establish with his colleagues a  
3 branch for Hamas there. Hamami thus became the liaison  
4 between the leadership in Gaza on the one hand and the Hamas  
5 command in the West Bank and the brotherhood command in Jordan  
6 on the other."

7 Q. Okay. Is the Islamic Science and Culture Committee also  
8 referenced in Elbarasse Search No. 22, the letter we have gone  
9 to a few times?

10 A. Yes.

11 MR. JONAS: If we can pull that one up real quick,  
12 page 5.

13 Q. (BY MR. JONAS) And what does this letter to Shukri Baker  
14 say about the Islamic Science and Culture Committee?

15 A. The writer says, "We have three of our people in it."

16 Q. Okay. Are you ready to move on to another committee?

17 A. Yes. Just to point out, though, that Jamil Hamami we  
18 have been discussing him as a Hamas leader. Just as a  
19 reminder --

20 MS. HOLLANDER: Objection, Your Honor. I don't  
21 think there is a question on the floor.

22 THE COURT: Sustained.

23 Q. (BY MR. JONAS) Agent Burns, let's move to Islamic Relief  
24 Committee.

25 MR. JONAS: If we can get to Payments to Islamic

1 Relief Committee schedule on the screen, please.

2 Q. (BY MR. JONAS) And when did the HLF start making  
3 payments to the Islamic Relief Committee?

4 A. April 12, 1991.

5 MR. JONAS: If we can scroll forward.

6 Q. (BY MR. JONAS) Did they make payments after Hamas was  
7 first designated as a specially designated terrorist?

8 A. Yes.

9 Q. How about after they were designated as a foreign  
10 terrorist organization?

11 A. No.

12 Q. How much in total did the HLF give the  
13 Islamic -- Withdrawn. What is the date of the last  
14 transaction between the HLF and the Islamic Relief Agency?

15 A. February 15, 1996.

16 Q. How much in total did the HLF give to the Islamic Relief  
17 Committee?

18 A. \$1,430,811.

19 MR. JONAS: If we can go to the Islamic Relief  
20 Committee summary chart, please.

21 Q. (BY MR. JONAS) You have got three names on here. I want  
22 to talk to you just about one of them, Jamal Mansour. He is  
23 the name on the far right.

24 A. Actually there is four names.

25 Q. Right. He is still the name on the far right?

1 A. Yes.

2 Q. Have we seen him today, this morning?

3 A. Yes.

4 Q. Where?

5 A. He was in the deportees video in the tent. He identified  
6 himself as a representative of the Islamic Relief Committee.

7 Q. HLF Search No. 70, the tent video?

8 A. Yes.

9 MR. JONAS: If we can pull up also --

10 Q. (BY MR. JONAS) is he referenced in Marzook's phonebook?

11 A. Yes.

12 MR. JONAS: If we can pull up Marzook Phonebook,  
13 page 52.

14 Q. (BY MR. JONAS) Where is that?

15 A. He is about halfway down, Jamal Mansour.

16 MR. JONAS: Finally, if we can look at Elbarasse  
17 Search No. 24, page 3.

18 Q. (BY MR. JONAS) What is this document?

19 A. This is a list that we looked at a little bit earlier  
20 with some of the Hamas leaders' numbers on it, and Jamal  
21 Mansour's number, he is the second one listed.

22 Q. Okay. Getting back to the committee as a whole, under  
23 the general committee column --

24 MR. JONAS: I want to turn to Elbarasse Search No.  
25 18.

1 Q. (BY MR. JONAS) I believe this is a letter you may have  
2 testified about in your first testimony.

3 A. Yes.

4 Q. Okay.

5 MR. JONAS: If we can go to the English, please.

6 Q. (BY MR. JONAS) What is this document?

7 A. This is the fax from the Islamic Relief Committee in  
8 August of 1992 that was found in the Elbarasse materials,  
9 along with some other Marzook documents.

10 Q. What is this letter asking for?

11 A. It is asking for money for weapons for jihad.

12 MR. JONAS: Scroll down, please.

13 Q. (BY MR. JONAS) Do you have a copy of the letter before  
14 you?

15 A. I do.

16 Q. You haven't pulled out your binders in a while.

17 A. I just have to figure out which binder it is in.

18 Q. Can you just tell us where within the letter it asks for  
19 money for weapons that the Islamic Relief Committee is sending  
20 out this letter?

21 A. Okay. There are several references in the letter, so  
22 just bear with me for a second as I identify the specific  
23 paragraphs.

24 If you turn to page 12, there is a portion of it where it  
25 talks about the pride of jihad and martyrdom and the Al-Qassam

1 Brigades.

2 MS. MORENO: Where is she reading from?

3 Q. (BY MR. JONAS) Can you identify on the screen the  
4 portion of the letter?

5 A. Yes. Right there, "If we have another source of pride  
6 and glory, I cannot but convey to you the people's feelings  
7 and joy for the pride of the jihad and martyrdom and for the  
8 bearers of the banner of dignity and glory Al-Qassam  
9 Brigades." And it goes on to talk about the paragraph that we  
10 read this morning.

11 The next page the first paragraph he says, "Do not rest  
12 and do not twinkle until you care about us, and provide us  
13 with what helps us of funds and weapons, weapons, weapons, our  
14 brothers."

15 Q. Okay.

16 A. There are several other references throughout the letter  
17 to needing weapons.

18 MR. JONAS: Okay. And finally on this committee,  
19 let's go to Ashqar Search No. 11 page 3, please.

20 Q. (BY MR. JONAS) And does this have any reference to the  
21 Islamic Relief Committee?

22 A. Yes. It actually has Sulieman Ighbariya, No. 43. That  
23 is one of the individuals on this chart referenced as a leader  
24 in the Islamic Relief Committee.

25 Q. Okay. Do you see anything else pertaining to the Islamic

1 Relief Committee?

2 A. I see the Islamic Relief Committee in No. 45, and it is  
3 referenced Dubai, but I can't say for certain that that is the  
4 same committee.

5 Q. What is the title of this document, this particular page?

6 A. "Important phone and fax numbers."

7 Q. Okay. Let's move on to another committee. The Bethlehem  
8 Orphan Society. Did the HLF make payments to the Bethlehem  
9 Orphan Society?

10 A. Yes.

11 MR. JONAS: If we can pull the Payments to Bethlehem  
12 Orphan Society schedule on the screen, please.

13 Q. (BY MR. JONAS) And when was the first payment made?

14 A. June 20th, 1991.

15 Q. Okay.

16 MR. JONAS: If we can scroll through this exhibit.

17 Q. (BY MR. JONAS) Were there payments made after Hamas was  
18 designated as a specially designated terrorist organization?

19 A. Yes.

20 Q. How about after Hamas was designated as a foreign  
21 terrorist organization?

22 A. Yes.

23 Q. Who was making authorizing the payments?

24 A. The Defendants Shukri Abu Baker and Ghassan Elashi.

25 Q. When is the date of the last payment?

1 A. October 23rd, 2001.

2 Q. A how much in total did the HLF pay to the Bethlehem  
3 Orphan Society?

4 A. Let me just state for clarification purposes, on this  
5 chart initially the payments were being made to the Bethlehem  
6 zakat committee, and then to the Bethlehem Orphan Care  
7 Society, so this is actually two societies.

8 Q. Okay.

9 A. And it is \$429,006.

10 Q. Is there a reason why both of them are on one chart?

11 A. Yes.

12 Q. And what is that?

13 A. An individual named Ghassan Harmas was the primary person  
14 that the HLF had contact with through the Bethlehem zakat, and  
15 in the late '90s he moved to the Bethlehem Orphan Society and  
16 so did their money.

17 Q. Did they continue giving money to the Bethlehem zakat  
18 committee after Ghassan Harmas left that organization?

19 A. I did not identify any payments to the Bethlehem zakat  
20 committee after they began paying to the Bethlehem Orphan Care  
21 Association.

22 Q. Was there payments to the Bethlehem Orphan Society prior  
23 to Ghassan Harmas going to that organization?

24 A. No.

25 Q. So they basically followed him?



1 A. Yes.

2 MR. JONAS: If we can go to the Bethlehem Orphan  
3 Society summary schedule.

4 Q. (BY MR. JONAS) Agent Burns, there is only three names on  
5 this one, and one of them is Ghassan Harmas that you just  
6 mentioned, so I want to talk about him for a moment. Did he  
7 have two jobs?

8 A. He did.

9 Q. And what were his two jobs?

10 A. Well, he was with these committees, as we have talked  
11 about, and he also served as the HLF's representative in  
12 Bethlehem, according to a videotape I have seen.

13 Q. Is that referenced in this particular schedule that is on  
14 the screen?

15 A. Yes.

16 MR. JONAS: If we can turn to HLF Search No. 109,  
17 page 2, please. Go back one page, please.

18 Q. (BY MR. JONAS) This is the book that we referenced  
19 several times. Without going back to it all, is Ghassan  
20 Harmas referenced in this book?

21 A. He is.

22 Q. InfoCom Search No. 25, the list of deportees taken from  
23 InfoCom, was Ghassan Harmas a deportee, based upon that  
24 document?

25 A. Yes.

1 Q. Okay. Let's move on to the next committee, the Qalqilya  
2 zakat committee.

3 MR. JONAS: If we can put on the screen the Payments  
4 to the Qalqilya Zakat Committee schedule.

5 Q. (BY MR. JONAS) Agent Burns, when was the first payment  
6 to the Qalqilya zakat committee?

7 A. February 20th, 1992.

8 MR. JONAS: If we can scroll through this schedule.

9 Q. (BY MR. JONAS) Did they continue making payments after  
10 Hamas was designated?

11 A. They did.

12 Q. And after Hamas was designated a second time as a foreign  
13 terrorist organization?

14 A. Yes.

15 Q. Who is authorizing the payments to the Qalqilya zakat  
16 committee?

17 A. The Defendant Shukri Abu Baker, Ghassan Elashi, and  
18 several other HLF employees.

19 Q. What is the date of the last payment?

20 A. October 11th, 2001.

21 Q. And by the way, Agent Burns, have a lot of these last  
22 payments, not all of them certainly, but a lot of them been in  
23 the year 2001; the last payments between the HLF and some of  
24 these zakat committees --

25 A. The final payment?

1 Q. The final payment.

2 A. I just wanted to make sure I understood your question.

3 Q. Yes.

4 A. Yes. On a number of these charts that we have been  
5 discussing today, the final payments were made in late 2001.

6 Q. Okay. Did the HLF continue to do business after 2001?

7 A. No, they did not.

8 Q. Does that explain why we don't see anymore payments after  
9 that time period?

10 A. Yes. They did not exist after then.

11 Q. How much in total did the HLF pay to the Qalqilya zakat  
12 committee?

13 A. \$295,187.

14 MR. JONAS: If we can go back to Elbarasse Search  
15 No. 22, please.

16 Q. (BY MR. JONAS) I am not going to ask you any questions  
17 about the Qalqilya members, which there are three. You know  
18 what? Before we do that, I jumped ahead.

19 MR. JONAS: If we can pull up Qalqilya zakat  
20 committee Summary on the screen.

21 Q. (BY MR. JONAS) Now you see there are three members of  
22 the Qalqilya zakat committee referenced on the schedule?

23 A. Yes.

24 Q. I am only going to ask you about the last column, the  
25 general committee. Is Qalqilya zakat committee referenced in

1 Elbarasse Search No. 22?

2 A. It is.

3 MR. JONAS: If we can go to that exhibit, please.

4 Q. (BY MR. JONAS) Where is it referenced?

5 A. No. 7, it says, "All of it is ours and it is guaranteed."

6 Q. Okay. Let's move to the last schedule, Tulkarem zakat  
7 committee.

8 MR. JONAS: And if we can get on the screen the  
9 payments to the Tulkarem zakat committee schedule.

10 Q. (BY MR. JONAS) Agent Burns, when was the first payment  
11 made to the Tulkarem zakat committee?

12 A. May 1st, 1991.

13 MR. JONAS: And if we can scroll through this  
14 exhibit, please.

15 Q. (BY MR. JONAS) Were there payments made after Hamas was  
16 first designated a as specially designated terrorist?

17 A. Yes.

18 Q. Payments continue after Hamas was designated as a foreign  
19 terrorist organization?

20 A. Yes.

21 Q. What is the date of the last payment to the Tulkarem  
22 zakat committee?

23 A. October 25th, 2001.

24 Q. How much in total did the HLF give the Tulkarem zakat  
25 committee?

1 A. We tracked \$366,585.

2 Q. Okay.

3 MR. JONAS: If we can get on the screen the summary  
4 schedule Tulkarem Zakat Committee Summary.

5 Q. (BY MR. JONAS) Agent Burns, you have got seven  
6 individuals on this schedule. I am going to ask you about a  
7 couple of them. There is a name Bilal Khamis, the third name.  
8 Do you see that?

9 A. I do.

10 MR. JONAS: If we can pull up Elbarasse Search  
11 No. 22, page 4, please.

12 Q. (BY MR. JONAS) And is his name anywhere there?

13 A. It is -- Under Tulkarem zakat it says, "We have one, Haj  
14 Aref El Jayoussi, director of Tulkarem endowments, and Bilal  
15 Khamis, a supporter. The rest are merchants without an  
16 inclination."

17 Q. Okay.

18 MR. JONAS: Going back to the summary schedule.

19 Q. (BY MR. JONAS) Do you see the name Bashar Al Karami?

20 A. I do.

21 Q. I stumbled over that for some reason. Can you pronounce  
22 that for me?

23 A. Al Karami.

24 Q. Is he one of the deportees, per that InfoCom Search No.  
25 25 exhibit?

1 A. Yes, that list.

2 Q. Do you see the last name Abu Samaha?

3 A. Yes.

4 MR. JONAS: If we can turn to Ashqar Search No. 3,  
5 page 3, please.

6 Q. (BY MR. JONAS) Is his name anywhere on the Ashqar list?

7 A. Yes. It is down toward the bottom. This list we have  
8 looked at several times. He is fifth from the bottom.

9 MR. JONAS: Finally, with regard to the general  
10 committee, if we can go to Ashqar Search No. 5, page 20.

11 Q. (BY MR. JONAS) Is the Tulkarem zakat committee  
12 referenced in this document?

13 A. It is.

14 Q. How so?

15 A. It says, "Two supporters are in it and the rest are  
16 dignitaries."

17 Q. Okay. Agent Burns, you have identified several  
18 individuals in these zakat committees that had two jobs, using  
19 the phrase that we have used? Did the HLF, besides having  
20 representatives that you have identified that also worked in  
21 some of the zakat committees have representatives who were not  
22 affiliated with the zakat committees but that worked for the  
23 HLF?

24 A. Yes.

25 Q. I just want to ask you about one of them. Are you

1 familiar with a man named Akram Kharoubi?

2 A. I am.

3 Q. Was he -- Who was he, in relationship to the HLF?

4 A. In relationship to the HLF, he was the HLF's  
5 representative in Ramallah for a time. Prior to that he was  
6 in the United States.

7 Q. Is that based upon the documents that you reviewed as  
8 part of this case?

9 A. Yes.

10 Q. Okay.

11 MR. JONAS: If we can look at Mushtaha Search No. 5.

12 Q. (BY MR. JONAS) What is this document?

13 A. This is a letter from Akram Kharoubi.

14 MR. JONAS: If we can scroll to the English, please.

15 Q. (BY MR. JONAS) What does this document say?

16 A. It is addressed to the executive committee of Dar  
17 al-Hijrah, which is a mosque. And it is from 1991. And he is  
18 requesting that the mosque -- If you see in the second  
19 paragraph, "I propose to the executive committee at Dar  
20 al-Hijrah to do the following things which would support the  
21 cause of the steadfastness of our Muslim people in the  
22 occupied homeland:

23 "1. Granting permission to place a permanent donation  
24 box for the Occupied Land Fund, a charitable organization that  
25 is tax exempt."

1           And "5. Soliciting donations on appropriate occasions to  
2 support jihad in Palestine."

3           And he signs it in this case "Dr. Akram Kharoubi,  
4 chairman of the Islamic Association for Palestine."

5       Q.    Okay.

6       A.    Which is the IAP.

7       Q.    Agent Burns, I am going to show you the meeting summary  
8 chart. We haven't looked at this for a while. Is Akram  
9 Kharoubi's name on here?

10      A.    It is.

11      Q.    Where?

12      A.    He is No. 5.

13      Q.    He is listed as an HLF person?

14      A.    Yes.

15      Q.    It says IAP and PC.

16      A.    Palestine Committee.

17      Q.    It is checked off he is a speaker, so did he -- The  
18 transcripts show that he spoke at the Philadelphia meeting?

19      A.    Yes, they do.

20      Q.    Since we are speaking about Philadelphia, let me ask you  
21 some questions about that.

22           MS. DUNCAN: Mr. Jonas, we don't show Mushtaha  
23 Search No. 5 in evidence.

24           MR. JONAS: I apologize. It is one I missed.

25           I offer it into evidence Mushtaha Search No. 5.



1 MS. DUNCAN: It wasn't on the list. Can we have the  
2 time to look over it?

3 THE COURT: Do you have it available where you can  
4 show it to them?

5 MS. DUNCAN: I do have it. I just haven't looked at  
6 it.

7 MR. JONAS: I apologize, Your Honor, and apologize,  
8 Ms. Duncan. I moved on from there.

9 THE COURT: Is this what you were just reading from?

10 MR. JONAS: Yes, sir. And I offer it into evidence  
11 at this time.

12 THE COURT: Give her a minute, then.

13 MS. DUNCAN: Your Honor, I am sorry. Can we just  
14 approach briefly?

15 THE COURT: Sure. Does somebody have it and can  
16 bring it up here?

17 MR. DRATEL: I can bring it up on a computer.

18 THE COURT: That is fine. Bring it up.

19 (The following was had outside the hearing of the  
20 jury.)

21 MR. JONAS: There is a search warrant of Mushtaha's  
22 house that was done a couple of years prior to -- While he  
23 lived there they executed a search warrant, and then he moved  
24 out and that is when the current homeowner moved in and did  
25 the digging. I think she may have mentioned it.

1 MS. HOLLANDER: I think our objections are the --

2 MS. DUNCAN: If you can clarify that it wasn't dug  
3 up.

4 I think with the contents, I don't know if anyone has  
5 specific objections, but we object on the basis we have been  
6 raising for the Ashqar, the Elbarasse, and the Mushtaha that  
7 it is hearsay.

8 MR. DRATEL: In addition to collateral estoppel and  
9 double jeopardy.

10 THE COURT: Those are overruled. Mushtaha Search  
11 No. 5 is admitted.

12 (The following was had in the presence and hearing  
13 of the jury.)

14 Q. (BY MR. JONAS) Agent Burns, before I ask you about  
15 Philadelphia again, the Philadelphia meeting, I just want to  
16 go back real quick to Mushtaha Search No. 5, which is a letter  
17 you read on the screen a few moments ago. There were  
18 videotapes you talked about, and another witness talked about,  
19 being dug up in the backyard. Was this letter dug up in the  
20 backyard from his house?

21 A. No, this was found within the house.

22 Q. Okay. Was this found at the same time that was dug up,  
23 or was it a separate matter?

24 A. It was found in a search warrant which preceded, came  
25 before, the unearthing of the videotapes.

1 Q. All right. I want to talk to you about the Philadelphia  
2 meeting with regard to these zakat committees, but not the one  
3 that you have read already, Philadelphia meeting No. 13.

4 Did the participants at the Philadelphia meeting have  
5 other conversations regarding the societies over in the West  
6 Bank and Gaza?

7 A. Yes.

8 MR. JONAS: If we can put on the screen Philadelphia  
9 Meeting No. 5-E, page 4, please.

10 Q. (BY MR. JONAS) Agent Burns, do you see the larger  
11 portion on the bottom, the larger segment?

12 A. Yes.

13 Q. Who is speaking?

14 A. This is the Defendant Shukri Abu Baker.

15 Q. Okay.

16 MR. JONAS: If we can enlarge just the middle  
17 portion that starts, "the second thing."

18 Q. (BY MR. JONAS) Agent Burns, can you read just that  
19 sentence that starts with "The second thing"?

20 A. "The second thing we were talking about that in the  
21 morning is that our brothers in the occupied territories will  
22 be -- pretend to go along with the self-rule and none of their  
23 societies will be shut down, and this is a matter that hasn't  
24 been settled yet."

25 Q. Okay.

1           MR. JONAS: Let's go to Philadelphia Meeting No. 11,  
2 if we can play -- This one we will play, Philadelphia Meeting  
3 No. 11, Clip D, please.

4           (Whereupon, Philly Meeting No. 11, Clip D was  
5 played, while questions were propounded.)

6 Q.    (BY MR. JONAS) Agent Burns, the Young Men's Muslim  
7 Association, have you testified about that?

8 A.    Yes.

9 Q.    What is it connected to?

10 A.    The Islamic Charitable Society of Hebron.

11 Q.    Agent Burns, when the law was created in 1996 which  
12 allowed the Government to start designating organizations as  
13 foreign terrorist organizations, did any of the Defendants  
14 have a conversation about this law?

15 A.    Yes.

16 Q.    Who?

17 A.    The Defendant Shukri Abu Baker and Ghassan Elashi.

18           MR. JONAS: If we can play Baker Wiretap No. 11,  
19 11-A, the audio.

20           (Whereupon, Baker Wiretap No. 11 was played, while  
21 questions were propounded.)

22 Q.    (BY MR. JONAS) Agent Burns, is Ghassan Elashi listing  
23 out some of the organizations that you identified today as  
24 ones that receive payments from the HLF?

25 A.    Yes.

1 Q. Agent Burns, as far as you know --

2 MS. MORENO: Excuse me, Your Honor. May we  
3 approach?

4 THE COURT: Yes.

5 (The following was had outside the hearing of the  
6 jury.)

7 MS. MORENO: Counsel, this is not the entire  
8 conversation that we had an agreement on that you were going  
9 to admit through Agent Burns, is it?

10 MR. JONAS: We did not an have an agreement that we  
11 were going to play the entire conversation. We were asked if  
12 we would play the call. I said yes. We were never going to  
13 play the entire conversation.

14 MS. HOLLANDER: That was my understanding.

15 MR. JONAS: That was not my understanding.

16 MS. MORENO: Your Honor, if I may, this call is  
17 extremely important to Mr. Elashi, and I think to Mr. Baker.  
18 We got it in in the first trial after a motion practice, and I  
19 am not saying that the entire -- I am not referring to the  
20 entire conversation. The conversation that we got in the last  
21 time that was the subject of discussions with counsel is an  
22 abbreviated part, but it is more than what you have just  
23 played. Isn't that right?

24 MR. JONAS: Absolutely it is right, but you never  
25 came to us and said which portions you want. All the question

1 was is "Are you going to play this call?" And the answer is,  
2 "Yes, we are going to play the call." We have rarely played a  
3 full call, and you yourself are acknowledging now you are not  
4 asking for the whole call. If you approached me with a  
5 segment that you wanted us to play, we would have considered  
6 it. We still have that opportunity. We are at the end of the  
7 day, per your request. If you have a 106 request, come to me  
8 and we can talk about it. You never approached us with  
9 additional --

10 MS. MORENO: We absolutely did. Let me finish. You  
11 have had your say. We gave them the exact transcript of last  
12 year's, which was the redacted portion. It was far more than  
13 this, and counsel knows that. We looked at the same  
14 transcript.

15 We are not going to agree on this now, Your Honor, but I  
16 want the opportunity to have a 106 and go into those portions  
17 that I believe Mr. Cline will also agree that was the subject  
18 of an agreement with the Prosecution that they were going to  
19 play; not the whole conversation, but that redacted portion  
20 that they played during the first trial, which is not this  
21 portion.

22 MR. JONAS: No, absolutely not.

23 THE COURT: Obviously we are not going to resolve  
24 it. He is saying take it to him and see if you can agree on  
25 whatever it is you are going to play. If you don't agree,

1 tell me in the morning.

2 Are you ready to stop?

3 MS. MORENO: Yes.

4 MS. CADEDDU: I am starting to feel very bad.

5 THE COURT: You are, too?

6 THE COURT: We will just break.

7 MS. HOLLANDER: I just don't want to be near them.

8 THE COURT: Why don't we go ahead and break, and be  
9 back by 8:45 in case you all don't reach agreement.

10 MR. JONAS: Your Honor, other than Mr. Westfall  
11 giving me a disk of exhibits he anticipates offering from  
12 Agent Burns, I have not received a list of exhibits from  
13 defense counsel. I understand they are working on it, but we  
14 need an opportunity to object. And I will be passing her  
15 sometime tomorrow, probably mid morning.

16 THE COURT: What about that? I would like to see  
17 the objections this afternoon so I can look at them. I will  
18 not have a chance tomorrow before the cross. Well, we will  
19 have the one witness.

20 MR. JONAS: I still need time to look at their list  
21 of the objections.

22 THE COURT: I need time to look at that as well.  
23 When are you going to be able to get your list of exhibits to  
24 the Government as far --

25 MS. DUNCAN: We are meeting right after court to

1 talk about that.

2 THE COURT: Let's go ahead and let the jury go.

3 (The following was had in the presence and hearing  
4 of the jury.)

5 THE COURT: Members of the jury, we are going to  
6 recess here for the day. There are some matters I need to  
7 take up, so we will recess you.

8 Recall the instructions that we have been over, and see  
9 you back at 9:00 in the morning.

10 (Whereupon, the jury left the courtroom.)

11 THE COURT: Agent, you can step down.

12 MS. DUNCAN: We had another matter we wanted to take  
13 up at the bench.

14 THE COURT: Come on up.

15 (The following was had at the bench.)

16 MS. DUNCAN: Your Honor, I just wanted to move on  
17 behalf of Mr. Abu Baker based on InfoCom Search No. 68, as  
18 Your Honor saw, the portion having to do with the American  
19 demonstrations took up five to seven minutes, which the part  
20 having to do with the issues in this case, the library, was no  
21 more than ten minutes. And the jury's reaction was palpable,  
22 covering their mouths. There is an extreme emotional reaction  
23 to that part. So based on that we just don't think Mr. Abu  
24 Baker can get a fair trial, and move for a mistrial.

25 MR. DRATEL: I would join. Some things cannot be



1 cross examined or instructed away, and this was one of them.

2 MS. MORENO: Join on behalf of Mr. Elashi.

3 MS. CADEDDU: Join on behalf of Mr. Abdulqader.

4 MR. JONAS: I assume Mr. Westfall will as well.

5 MS. HOLLANDER: I just want to add, it was  
6 completely political, the thing Your Honor has said you are  
7 trying to keep out of this case, and that was the only reason  
8 to bring it in.

9 MS. CADEDDU: Your Honor, I would say -- I mean, it  
10 is irrelevant to the issues. Whether people were burning  
11 American flags is irrelevant to the issues.

12 THE COURT: And those motions for mistrial are  
13 denied.

14 MR. DRATEL: Your Honor, I have a separate mistrial  
15 motion based on the collateral estoppel, and I will just point  
16 out a couple of exhibits that were referenced specifically to  
17 Mr. El-Mezain, all which predate InfoCom No. 30--El-Mezain  
18 Wiretap No. 1. And they were all specifically Mr. El-Mezain  
19 received this, this was directed to Mr. El-Mezain, this was a  
20 letter to him. The tent video where people talk about him.  
21 Ashqar Search No. 13.

22 I asked for instruction before, I am asking for  
23 instruction now. I think a mistrial is the only remedy, but I  
24 am also still asking for an instruction because the jury is  
25 getting all this, is absorbing all of this, and it will be too

1 late at the end of the case --

2 THE COURT: What instruction is it you are wanting?

3 MR. DRATEL: They are not to consider that with  
4 respect to collateral estoppel and those issues.

5 THE COURT: I think they are properly before the  
6 jury for consideration, so I will deny that motion as well.

7 MR. JONAS: One matter I want to inform the Court  
8 on, and you may be aware of this. I don't know.

9 During the night a motion was filed regarding Defense  
10 witness Abington.

11 THE COURT: That motion in limine?

12 MR. JONAS: Yes. I just want -- The CIA was  
13 concerned about the motion, and they asked it be removed from  
14 the ECF docket.

15 THE COURT: Yes. And we did.

16 MR. DRATEL: I don't know if you know that we  
17 resolved it.

18 THE COURT: We are still on the record. One at a  
19 time.

20 MS. DUNCAN: Can the Defendants leave, Your Honor?

21 THE COURT: The Defendants can leave, yes.

22 MR. MYSLIWIEC: I told Barry we were submitting or  
23 exchanging the exhibits, because I accidentally filed two  
24 letters that relate to another witness. Those were not  
25 letters that were exchanged in a classified manner or anything

1     like that.

2                 MR. JONAS: That is not the CIA's concern. The  
3     concern about the substance of the motion I can't address, the  
4     concern. That is coming from them. And I think they will  
5     probably address it with Your Honor at some point. You know  
6     they will be here Thursday.

7                 THE COURT: Are they planning on filing a  
8     written --

9                 MR. JONAS: I don't know.

10                THE COURT: Are you going to file a written response  
11     to the motion in limine?

12                MR. MYSLIWIEC: They are concerned about the  
13     substance of the motion itself?

14                MS. HOLLANDER: Not about the motion.

15                MR. JONAS: I know they are concerned about  
16     something in the motion, and the I think their knee-jerk  
17     reaction was "Let's get it off the public docket until we get  
18     a better chance to evaluate it."

19                MR. DRATEL: Mr. Cline has been in touch with them  
20     as well to try to find out exactly what the concern is.

21                MR. JONAS: I believe Mr. Cline spoke to the court  
22     security officer. I am not downstairs, so I don't know  
23     exactly the latest. I just wanted to make sure Your Honor was  
24     aware.

25                THE COURT: I was aware, and we have also heard from

1       them as well. And it has been taken off the docket, and we  
2       will eventually put it back on there. We need to get it on at  
3       some point. It needs to be part of the record.

4               MR. DRATEL: In whatever form it is.

5               THE COURT: If you get it resolved, then yes.

6               MR. JONAS: It is the CIA's issue, so I need to take  
7       direction from them as to how it is going to be responded to  
8       by the Government.

9               THE COURT: You will wind up with Agent Burns, then,  
10      sometime in the morning?

11              MR. JONAS: Yes.

12              THE COURT: And we will take this witness out of  
13      turn?

14              MR. JONAS: If you want to take him next, that is  
15      fine with us, and then back to Agent Burns.

16              THE COURT: And then the cross of Agent Burns.

17              MR. JONAS: We have a witness we are scheduling for  
18      Thursday, Bruce Hoffman.

19              THE COURT: Is he an expert?

20              MR. JONAS: Yes.

21              THE COURT: I need to start looking over those  
22      motions. So he will be the first one, Hoffman?

23              MR. JONAS: Yes.

24              MS. HOLLANDER: We have a pending Daubert motion.

25              THE COURT: And who do you expect after him?

1           MR. JONAS:    Avi.    So Bruce Hoffman is sort of  
2   limited to Thursday and Friday, and this week I know Friday we  
3   don't have court.

4           THE COURT:   How long do you expect your direct of  
5   Hoffman?

6           MR. JONAS:    Less than an hour; maybe an hour tops.

7           MS. HOLLANDER:   And I can't be here Friday.   We have  
8   Friday off.

9           THE COURT:    Right.

10          MR. JONAS:    We have a scheduling issue.   We need to  
11   get him on Thursday.

12          THE COURT:    What is your expected direct of Avi?

13          MR. JONAS:    It is at least a day.

14          THE COURT:    So a couple of days for him.

15          MS. HOLLANDER:   Is he the last one?

16          MR. JONAS:    I believe so.   There are some witnesses  
17   between.   I am sorry.   There is Robert McBrien is tomorrow.  
18   We have a witness from USAID who will testify.   He is not  
19   going to be long at all.   There is a woman from the FBI  
20   computer section who is not going to testify long, to get in  
21   some evidence that was seized that was taken from the HLF  
22   computers, Bruce Hoffman, and Avi.   The order, of course, is  
23   dictated by the timing.   We are scheduling Bruce Hoffman  
24   Thursday, so I need to get him on Thursday.

25          THE COURT:    So that is all you have left?

1 MR. JONAS: Yes, sir.

2 THE COURT: All right.

3 MR. DRATEL: We argued, I don't know if you  
4 remember, probably, in voir dire we argued about Hoffman and  
5 the question of whether it is appropriate or cumulative, all  
6 those things.

7 THE COURT: Okay. Let me go back at the motions and  
8 get refreshed.

9 MR. JONAS: We should file something on that today.

10 MR. DRATEL: I am not sure if it is a response or  
11 reply or whatever.

12 MR. JACKS: It is called trial memo.

13 MR. DRATEL: In regard to Mr. Hoffman?

14 MR. WESTFALL: Simon was probably enough to bring  
15 9/11 into this as much as it needs to come in.

16 MR. JONAS: Let me just say, Bruce Hoffman is not  
17 going to talk about 9/11, and doesn't have to talk about  
18 Al-Qaeda. That is not his intention. That is not his purpose  
19 for his testimony, and will not mention Al-Qeada. It doesn't  
20 have to -- He will mention other terrorist groups that follow  
21 along with -- it is in our brief, Your Honor. I can leave it  
22 to that.

23 THE COURT: The one you filed today?

24 MR. JONAS: Yes.

25 The lack of disbelief on the part of Defense counsel

1 notwithstanding, we think that their actions in cross  
2 examining certain witnesses, especially Shorbagi, has  
3 completely opened the door for Doctor Hoffman to come in.

4 MS. HOLLANDER: Let me just state on the record,  
5 last Sunday I met with Mr. Jonas before Shorbagi and -- I  
6 believe it was Sunday.

7 MR. JONAS: It was a few days ago.

8 MS. HOLLANDER: And asked him, and he said, "We are  
9 absolutely calling Hoffman."

10 MR. JONAS: That is right. And I said the actions  
11 of Defense counsel have made it even more obvious his need.

12 THE COURT: I haven't read the brief. Let me take a  
13 look of that.

14 MS. CADEDDU: I would ask Your Honor, if you can, to  
15 take a look at -- The Government in its brief, and I have read  
16 the brief, and it doesn't talk about particular -- It doesn't  
17 identify which other terrorist groups he is going to talk  
18 about, that I can recall, but it does make reference to a part  
19 of Ms. Hollander's cross and says that she brought up in cross  
20 the clean hands. That was actually brought out on direct by  
21 Mr. Jacks. And I just would like you to review the record on  
22 that.

23 MR. JONAS: Either way, Your Honor, I think the  
24 progression of the cross, starting with the opening  
25 statements, the progression of the cross, all the witnesses

1 culminating in Shorbagi --

2 THE COURT: Let me read that. Are you planning on  
3 filing any written response?

4 MS. HOLLANDER: It just came while we were here. I  
5 have been reading it for about five minutes.

6 THE COURT: We are looking at next week for Hoffman  
7 anyway --

8 MR. JONAS: No, Thursday; day after tomorrow.

9 MR. DRATEL: We will look at it and do something  
10 tonight.

11 THE COURT: As long as it is sometime tomorrow.

12 MR. JONAS: It sounds like after I am done with  
13 Agent Burns' direct then you guys want to do McBrien?

14 MR. DRATEL: Yes. We want to make sure --

15 MR. JONAS: And he shouldn't be too long either.

16 THE COURT: Okay. 8:45 in the morning.

17 (End of day.)

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1 I HEREBY CERTIFY THAT THE FOREGOING IS A  
2 CORRECT TRANSCRIPT FROM THE RECORD OF  
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.  
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES  
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE  
6 COURT AND THE JUDICIAL CONFERENCE OF THE  
7 UNITED STATES.

8  
9 S/Shawn McRoberts

06/30/2009

10 \_\_\_\_\_DATE\_\_\_\_\_  
11 SHAWN McROBERTS, RMR, CRR  
12 FEDERAL OFFICIAL COURT REPORTER  
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